

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 6**  
**March 4, 2004**

The Legislature was called to order by Chairman Holt.

All Members Present.

Invocation was led by Father Ryszard Lukomski, Parochial Vicar St. Josaphat's.

The Pledge of Allegiance was led by Ms. Cusack.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – CHAIRMAN HOLT directed that the minutes of previous meeting be tabled.

GRANTED.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MINORITY CAUCUS, Et Al presented a resolution Honoring Charlotte Lewis, at the Age of 101, for her 83 Years in the Republican Party.

CARRIED UNANIMOUSLY.

Item 6 – DUSZA, SCHROEDER & WROBLEWSKI, Et Al presented a resolution In Recognition of General Pulaski Day.

CARRIED UNANIMOUSLY.

Item 7 – SMITH & MARINELLI, Et Al presented a resolution Honoring Monique Ellis the First African- American Female to Complete Four Years of High School Wrestling in Western New York.

CARRIED UNANIMOUSLY.

Item 8 – SMITH & HOLT, Et Al presented a resolution Honoring the Students and Founder of Rock Academy.

CARRIED UNANIMOUSLY.

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**LOCAL LAWS**

Item 9 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 10 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 11 – MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
 LOCAL LAW NO. \_\_\_\_ -2003  
 LOCAL LAW INTRO NO. 8 -2003

**A LOCAL LAW** amending, Local Law No. 1-1959, as amended, constituting the Erie County Charter Section 1802 thereof; and the Erie County Administrative Code Section 18.02 Sub. f with respect to the duty of the Erie County Executive to submit a budget and capital program to the Erie County Legislature.

**BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:**

Section 1. Short title. This Local Law shall be known as the "Erie County Budget Disclosure Act" and shall amend, as hereinafter specified Section 1802 of the Erie County Charter and Section 18.02 Sub. f of the Erie County Administrative Code.

Section 2. Legislative Intent. The Erie County Legislature hereby determines that the people of Erie County have the right to know the contents of and fiscal implication of County Executive's tentative budget for the ensuing fiscal year, and the extent of the capital program to ensure fiscal accountability. .

Section 3. Provisions. The following provisions shall be inserted to amend the Erie County Charter and the Administrative Code to the extent of the provisions hereinafter set forth.

- (A) On or before the 15th day of October of each year the County Executive shall submit to the County Legislature a tentative budget for the ensuing fiscal year, a capital program for the next six (6) fiscal years, and an accompanying message.
- (B) Henceforth upon the enactment of this local Law on or before the 15th day of October the County Executive shall submit the tentative budget (including both the

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operation and maintenance budget and the capital budget) for the ensuing year and the capital program for the ensuing SIX (6) fiscal years, together with an accompanying message to the County Legislature.

Section 4. Publication. The Clerk of the Erie County Legislature is hereby authorized and directed to cause a copy of the foregoing Local Law to be published in the County's official newspapers.

Section 5. Effective Date. This Local Law shall take effect immediately upon the filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

GEORGE A. HOLT, JR.  
3<sup>rd</sup> District

MS. MARINELLI moved the approval of the Local Law. MR. SCHROEDER seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: WEINSTEIN DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. (AYES 9, NOES 6).

CARRIED.

Item 12 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2003 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 13 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2003 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #1) 2004 remain on the table.

GRANTED.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 2 (Print #1) 2004 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

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**COMMITTEE REPORTS**

Item 16 – MR. DUSZA presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

February 26, 2004

ENERGY & ENVIRONMENT  
 COMMITTEE  
 REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR RANZENHOFER. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
  - a. Item Page -2003 (Intro. 8-13)  
**LARSON, SWANICK, RANZENHOFER, FALKNER & CUSACK:** Requesting NYS Broaden the definition of “Beverage” for Purposes of Deposit.  
 (4-0) Legislator Ranzenhofer absent.
  - b. Item Page -2004 (Comm. 5D-3)  
**DEP:** ECSD No. 3 – Increase & Improvement of Facilities – Notice of Public Hearing.  
 (4-0) Legislator Ranzenhofer absent.
  - c. Item Page -2004 (Com. 5E-31)  
**COUNTY EXECUTIVE:** ECSD No. 3 – A/E Agreement Dated 1/13/04 Engineering Change Order No. 1 - Malcolm Pirnie.  
 (4-0) Legislator Ranzenhofer absent.
  - d. Item Page -2004 (Comm. 5M-2)  
**NYS DORMITORY AUTHORITY:** SEQR – Negative Declaration Notice for Canisius College Dormitory Project.  
 (4-0) Legislator Ranzenhofer absent.
  - e. Item Page -2004 (Comm. 5M-5)  
**NYS DEPARTMENT OF AGRICULTURE & MARKETS:** Revised Copy of Agricultural Districts Law.  
 (4-0) Legislator Ranzenhofer absent.
2. Item Page -2003 **AS AMENDED**  
**COUNTY EXECUTIVE** (Comm. 20E-41)

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller,

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County Sewer District No.3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, most of the Town of Orchard Park, and parts of the Towns of West Seneca and Hamburg; and

WHEREAS, since the 1970s extensions to the District known as the Boston Valley, Armor-McKinley, Blasdell and Holland Extensions were formed; and

WHEREAS, the District and all extensions thereof were consolidated in 2003; and

WHEREAS, the Board of Managers of the District has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on December 10, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 24,500 linear feet of sewer, various pump station upgrades and reconstruction; and the installation and acquisition of process equipment, pumps, meters, controls, lab equipment, and plant reconstruction, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$5,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$8.00 for the Town of Hamburg, \$9.35 for the Town of Orchard Park, \$8.40 for the Town of West Seneca, \$6.40 for the Town of Holland, \$9.98 for the Town of Elma, \$9.00 for the Town of Boston, and \$8.55 for the Town of Eden; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

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**ERIE COUNTY LEGISLATURE**

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 1<sup>ST</sup> day of April 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No.3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, in said County, on the 1<sup>st</sup> day of April 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County.

The increase and improvement of such facilities consisting of the reconstruction and/or replacement of approximately 24,500 linear feet of sewer, various pump station upgrades and reconstruction; and the installation and acquisition of process equipment, pumps, meters, controls, lab equipment, as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of Erie County Sewer District No. 3 on December 10, 2003 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$5,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$8.00 for the Town of Hamburg, \$9.35 for the Town of Orchard Park, \$8.40 for the Town of West Seneca, \$6.40 for the Town of Holland, \$9.98 for the Town of Elma, \$9.00 for the Town of Boston, and \$8.55 for the Town of Eden. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Hamburg Sun" and in the "Front Page", the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

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The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(4-0) Legislator Ranzenhofer absent.

3. Item Page -2004 (Comm. 5E-18)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has previously entered into a contract with the Erie County Soil and Water Conservation District who have the necessary expertise and personnel to perform the necessary inspections, evaluations and carry out administrative responsibilities related to the delivery of the project (Stream Bank Maintenance Program), and

WHEREAS, it has become necessary to increase the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood related risk to roads, bridges, culverts and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting natural flow of streams, and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services, and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on May 10, 2001 at Meeting Number 11, Communication Number 9E-34, for the purpose of performing a County-wide Stream Maintenance Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the County of Erie and the Erie County Soil and Water Conservation District be increased by an amount of \$20,000 to be allocated from the 2000 Flood Damage Program (SFG 420 -177) and added to the original (\$100,000) Stream Bank Protection Program, for work to reduce erosion and localized flooding related risk to roads, bridges, culverts, and rights-of-way at various locations, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner, Highways and one certified copy each to the Commissioner of Public Works and to the Erie County Comptroller.

(4-0) Legislator Ranzenhofer absent.

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4. Item Page -2004 (Comm. 5E-21)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 58PS to Kandey Company, Inc. for the Erie County Sewer District Nos. 2, 4 & 6 Pumping Stations Structural/Cathodic Protection Rehabilitation Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 58PS in the final contract amount of \$338,258.45 which includes Change Order No. 3 (final) a decrease of \$8,741.55, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 58PS between the County of Erie and Kandey Company, Inc., 19 Ransier Drive, West Seneca 14224 is accepted in the amount of \$338,258.45, which includes Change Order No. 3 (final), a decrease of \$8,741.55, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 58PS between the County of Erie and Kandey Company, Inc. in the amount of \$338,258.45 and the release of retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to Nancy Naples, Erie County Comptroller's Office, Joseph Passafiume, Director of Budget and Management, and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Ranzenhofer absent.

5. Item Page -2004 (Comm. 5E-32)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Environment and Planning has determined that to properly protect the sewer at the Cayuga Creek, creek-crossing locations, the sewer must be installed at an increased depth, into rock, instead of soil, as originally designed. Failure to complete the work will result in higher capital cost, as the intent of this sewer is to enable the County to abandon the Carefree Estates Pumping Station which is old and must be replaced; and

WHEREAS, it has been determined it would be more economical to install the Union Road Pumping Station force main creek crossing now under Contract No. 17.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 to Contract No. 17 with Milherst Construction, Inc. dated July 9, 2003, be approved subject to approval by the Department of Environment and Planning in an amount not to exceed \$184,997.00; and be it further

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RESOVLED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process Change Order No. 1, subject to certification of availability of funds from the project fund balance by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$184,997.00 from Sewer Capital, ECSD No. 1, Fund No. 430, Project No. 694 for payment of this change order; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, one (1) certified copy to the Erie County Comptroller's Office and one (1) certified copy to Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Ranzenhofer absent.

6. Item Page -2004 (Comm. 5E-33)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Economic Development (NYSDED) solicited a proposal from Erie County for participation in the Pollution Prevention Technical Assistance Program; and

WHEREAS, in March of 2003, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from NYSDDED to implement a Pollution Prevention Technical Assistance Program; and

WHEREAS, on March 28, 2003, the NYSDDED granted approval of the application allocating funding in the amount of \$195,369 over two years for a Pollution Prevention Technical Assistance Program to be implemented in Erie County; and

WHEREAS, the Erie County Legislature passed a resolution (Comm. 18E-9) on November 13, 2003, authorizing the acceptance of the grant funding and establishing a budget for the program; and

WHEREAS, the grant budget established for the Erie County Pollution Prevention Technical Assistance Program includes adequate resources to support both an Environmental Compliance Specialist (JG-12) and a Junior Environmental Education Specialist (JG-7) for the entire two-year grant period.

NOW, THEREFORE BE IT

RESOLVED, that the following positions be created within the Pollution Prevention Technical Assistance Grant Program budget:

Environmental Compliance Specialist (JG-12)  
 Junior Environmental Education Specialist (JG-7)

and be it further

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RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(4-0) Legislator Ranzenhofer absent.

**RAYMOND K. DUSZA**  
**CHAIRMAN**

MR. DUSZA moved the approval of the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

Item 17 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

February 26, 2004

PUBLIC SAFETY  
 COMMITTEE  
 REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received and filed.

a. Item Page -2004 (Comm. 5E-4)  
**COUNTY EXECUTIVE:** Information on FEMA Integrated Emergency Management Course – Consequences of Terrorism Scheduled for 5/17 – 5/21/04.  
 (5-0)

2. Item Page -2004 (Comm. 5E-20)  
**COUNTY EXECUTIVE**

WHEREAS, funds for the Training Grants to Stop Abuse and Sexual Assault Against Older Individuals or Individuals with Disabilities Program are available from the U.S. Department of Justice, Office of Justice Programs in the amount of \$142,000, and

WHEREAS, the District Attorney's Office will utilize the funds to designate an attorney to both prosecute elder abuse cases, as well as work with training specialists at Crisis Services and Catholic Charities, to develop appropriate training to improve the overall response of the criminal justice system in Western New York as it relates to the successful prosecution of these elder abuse cases, and

WHEREAS, the 2004 Erie County Budget for the District Attorney's Office was submitted prior to the grant being awarded, and

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NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the U.S. Department of Justice for the purpose of increasing and strengthening training among the law enforcement & prosecution system within Western New York regarding elder abuse instances, and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's Elder Abuse Training Program Grant as follows:

**DISTRICT ATTORNEY'S OFFICE  
 ELDER ABUSE TRAINING PROGRAM GRANT  
 OCTOBER 1, 2004 TO SEPTEMBER 30, 2005**

<u>Revenue</u>	<u>Increase</u>
Acct. 684 120 Federal Aid	\$ 142,000
Acct. 686 1400 Interfund Revenue-DA	<u>29,670</u>
Total Revenue	<u>\$ 171,670</u>

<u>Appropriation</u>	
Acct. 800 Personal Service	\$ 65,890
Acct. 805 Fringe Benefits	16,473
Acct. 824 Travel & Mileage	750
Acct. 825 Out of Area Travel	3,750
Acct. 826 Other Expenses	1,000
Acct. 830 1841 Consultant-UB Law School	7,600
Acct. 830 119 Contractual-Crisis Services	42,756
Acct. 830 153 Contractual-Catholic Charities	<u>33,451</u>
Total Appropriations	<u>\$ 171,670</u>

RESOLVED, that authorization is hereby provided to reallocate funds within the 2004 District Attorney's General Fund as follows:

**GENERAL FUND - #110  
 2004**

<u>Appropriation</u>	
Acct. 821 Dues & Fees	\$ (29,670)
Acct. 886 1409 Interfund – DA Grants	<u>29,670</u>
	<u>\$ - 0 -</u>

RESOLVED, that the County Executive is hereby authorized to enter into contracts with UB Law School in an amount not to exceed \$7,600, with Crisis Services in an amount not to exceed \$42,756 and with Catholic Charities in an amount not to exceed \$33,451, and be it further

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RESOLVED, that the contracts with the UB Law School, Crisis Service and Catholic Charities are special services which must be provided immediately and therefore, the Request For Proposal (RFP) procedure required under Section 19.08 of the Erie County Administrative Code is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.  
 District Attorney – Elder Abuse Training Program Grant.  
 (5-0)

3. Item Page -2004 (Comm. 5E-22)  
**COUNTY EXECUTIVE**

WHEREAS, the District Attorney through the STOP DWI Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2003, and

WHEREAS, all grant accounts need to be closed out on the Erie County's general ledger,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the STOP DWI Grant to properly close out the grant as of December 31, 2003, to be adjusted as follows:

STOP DWI GRANT – Project #797  
 January 1, 2003 – December 31, 2003

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 686 1400 Interfund DA	\$ 566,876	\$ - 0 -	\$ 566,876
Total Revenue	\$ 566,876	\$ - 0 -	\$ 566,876
 <u>Appropriation</u>	 <u>ORIGINAL</u>	 <u>CHANGE</u>	 <u>FINAL</u>
Acct. 800 Personal Services	\$ 536,995	\$ (2,000)	\$ 534,995
Acct. 805 Fringe Benefits	144,881	2,000	146,881
Acct. 883 1109 Interdepartment – County			
Executive Grants	(115,000)	- 0 -	(115,000)
Total Appropriations	\$ 566,876	\$ - 0 -	\$ 566,876

and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.  
 (5-0)

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4. Item Page -2004 (Comm. 5E-23)

**COUNTY EXECUTIVE**

WHEREAS, in 2001 County Executive Joel A. Giambra established Go Safe!, a cooperative effort with the hospitality and taxi industry that provides a sustainable alternative to drunken driving by offering free taxi rides to patrons of participating establishments, and

WHEREAS, GoSafe! has removed over 1,500 potential drunken drivers from Erie County Roads and has provided for over 1,500 future rides when needed, and

WHEREAS, Go Safe! is endorsed by the Niagara Chapter of Remove Intoxicated Drivers (RID) and Erie County Mothers Against Drunk Driving (MADD), and

WHEREAS, project # 571 and the GoSafe! Reserve Account was established to receive donations and pay the expenses of operating GoSafe!, and

WHEREAS, Go Safe! has been established as an ongoing grant,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are authorized to amend the budget of the Go Safe Program:

**GO SAFE PROGRAM**  
**Project #571**  
**2/15/01 - Ongoing**

<u>REVENUES</u>	<u>FROM</u>	<u>CHANGE</u>	<u>TO</u>
<b>ACCT. #360 GO SAFE REVENUE</b>	<b><u>\$50,000</u></b>	<b><u>\$25,000</u></b>	<b><u>\$75,000</u></b>
TOTAL REVENUES	\$50,000	\$25,000	\$75,000
 <u>APPROPRIATIONS</u>			
ACCT 821- DUES & FEES	\$ 6,000	\$ 2,500	\$ 8,500
ACCT 826- OTHER EXPENSE	43,625	22,500	66,125
ACCT 933- LAB& TECH EQUIP	<u>375</u>	<u>0</u>	<u>375</u>
<b>TOTAL APPROPRIATIONS</b>	<b><u>\$50,000</u></b>	<b><u>\$25,000</u></b>	<b><u>\$75,000</u></b>

and be it further

RESOLVED, that transfers from the trust account will be made only for those moneys in the grant, and be it further

RESOLVED, that the County Executive is authorized to accept donations to the Go Safe Reserve Account and be it further

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RESOLVED, that the Go Safe Program is, authorized to directly pay invoices from taxi services providing rides under the Go Safe Program and be it further

RESOLVED, that the STOP-DWI Office is authorized to purchase a general liability policy in the amount of \$1 million per incident and a \$5 million umbrella policy from the Selective Insurance Company in order to mitigate the risks associated with Go Safe, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, Division of Budget, Management and Finance, and the STOP-DWI Office.

(5-0)

5. Item Page -2004 (Comm. 5E-29)

**COUNTY EXECUTIVE**

WHEREAS, funds have been received from the Federal Emergency Management Agency (FEMA) through the New York State Emergency Management Office (SEMO), and

WHEREAS, funds have been received for the claims submitted by the Department of Emergency Services on behalf of various County, City and Volunteer Fire Departments which have been reimbursed for their services rendered to New York City in the aftermath of the events of September 11, 2001, and

WHEREAS, the funds received have been utilized to reimburse the County, City and Volunteer Fire Departments and to purchase needed equipment and services, and

WHEREAS, the funds will also be utilized to reappoint a person at a higher rate to research new resources and enter them into the Department of Emergency Services software and work with the Readiness and Response Committee.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to revise the present legislation to reimburse Erie County, City Departments and Volunteer Fire Departments in funding from FEMA through SEMO, and be it further

RESOLVED, that the Department of Emergency Services is hereby authorized to reappoint a person to the position of Special Assistant, WMD-Readiness and Response (PT), which is created at a Job Group VII Step 1, to research and enter resources needed to respond to emergency situations, and work with the Readiness and Response Committee, and be it further

RESOLVED, that there are two changes to the existing budget and is authorized for the reimbursement of Erie County, City, and Volunteer Fire Departments for time and services rendered in the aftermath of the events of September 11, 2001:

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**ERIE COUNTY LEGISLATURE**

Department of Emergency Services  
 Reimbursement of Claims

	<u>Current</u> <u>Budget</u>	<u>Revisions</u>	<u>Revised</u> <u>Budget</u>
<u>Revenue</u>			
SFG 684 Federal Revenue - Other	\$60,355		\$60,355
TOTAL	\$60,355	\$0	\$60,355
<b><u>Appropriations</u></b>			
SFG 800-000 Personnel Services	\$ 6,000		\$6,000
SFG 805-000 Fringe Benefits	\$ 0	+\$2,000	\$2,000
SFG 825 Long Distance Travel	\$ 2,000		\$2,000
SFG 826 Other Expenses	\$ 2,000		\$2,000
SFG830 Contractual-Volunteer Fire Companies and City of Buffalo Fire & Emergency Services	\$45,105	-\$2,000	\$43,105
SFG 933 Lab & Tech. Equip.	\$ 5,250		\$ 5,250
TOTAL	\$60,355	\$ 0	\$60,355

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Law and the Department of Emergency Services.

(5-0)

6. Item Page -2004 (Comm. 5E-30)

**COUNTY EXECUTIVE**

WHEREAS, funds have been received from the New York State Emergency Management Office through the Federal Government to establish a Citizens Corps Council for Erie County, and

WHEREAS, these funds will assist in convening meetings and organizing volunteers for the Citizen Corps Council throughout Erie County, and

WHEREAS, these funds will also be used to create a Web page to inform the public about this valuable program, and

WHEREAS, the Erie County Community College Workforce Training Program will develop this Web page, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to revise the current legislation for funding from the New York State Emergency Management Office through the Federal Government to assist in the establishment of a Citizens Corps Council, and be it further

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RESOLVED, that funds be utilized to fund meetings and other functions of the Citizens Corps Council, and be it further

RESOLVED, that the Erie County Community College Workforce Training Program is authorized to develop the Web page in order to inform the public about this valuable program, and be it further

RESOLVED, that the following budgetary accounts be created in order to complete the above tasks:

Department of Emergency Services  
 Citizens Corps Council Grant

<u>Appropriations</u>	<u>Current Budget</u>	<u>Proposed Revisions</u>	<u>Revised Budget</u>
SFG810 – Office Equipment and Supplies	\$1,000.	-\$1,000.	\$ 0
SFG825 – Long Distance Travel	\$1,000.	-\$1,000.	0
SFG826 – Other Expenditures	\$2,000.	-\$1,100.	900
SFG830 – Contractual	<u>\$1,000.</u>	<u>+\$3,100.</u>	<u>4,100</u>
TOTAL	\$5,000.	\$ 0	\$ 5,000.

Revenue

SFG684 - Federal Aid – Other	<u>\$5,000</u>	\$ 0	<u>\$ 5,000.</u>
TOTAL	\$5,000	\$ 0	\$ 5,000.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Emergency Services.

(5-0)

**EDWARD J. KUWIK**  
**CHAIRMAN**

MR. KUWIK moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 18 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

February 26, 2004

GOVERNMENT AFFAIRS  
 COMMITTEE  
 REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DEBENEDETTI.

1. RESOLVED, that the following items are hereby received and filed.
  - a. Item Page -2004 (Intro. 4-16)  
**HOLT, MARINELLI, DUSZA, DEBENEDETTI, SCHROEDER, SMITH & WROBLEWSKI:** Implementation of Help America Vote Act.  
 (4-0) Legislator DeBenedetti absent.
  - b. Item Page -2004 (Comm. 5 D-7)  
**COUNTY ATTORNEY:** Notice of Claims.  
 (4-0) Legislator DeBenedetti absent.
  - c. Item Page -2004 (Comm. 5D-8)  
**BOARD OF ELECTIONS:** Memo Re: Help America Vote Act.  
 (4-0) Legislator DeBenedetti absent.
  - d. Item Page -2004 (Comm. 5E-9)  
**HOLT:** Copy of Letter to Majority Leader Marinelli Re: Notice of First Meeting of the Newly Established Urban Caucus.  
 (4-0) Legislator DeBenedetti absent.
  - e. Item Page -2004 (Comm. 5E-12)  
**COMPTROLLER:** Copy of Memo to Purchasing Director Re: Furniture Purchases.  
 (4-0) Legislator DeBenedetti absent.

**LYNN M. MARINELLI**  
**CHAIRPERSON**

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. SMITH presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

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**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 79

February 26, 2004

HUMAN SERVICES  
 COMMITTEE  
 REPORT NO. 2

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. Item Page -2004 (Comm. 1E-32)

**COUNTY EXECUTIVE**

WHEREAS, current law and regulation permits hospitals to provide funds for the local share cost of staff through a contribution by the hospital to the County, and

WHEREAS, Sheehan Memorial Hospital and Buffalo General Hospital agree to fund the entire local share of two workers, including salary, fringe benefits, overhead and equipment cost, and

WHEREAS, these staff will enable Medicaid applications to be processed more expeditiously through face to face contact with patients and family members at the hospital.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to enter into agreements with Kaleida Health Systems and with Sheehan Memorial Hospital, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Grant Budget:

**Department of Social Services, Department 200, Fund 282, Project 228**

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
801	Personal Services	\$77,304
805	Fringe Benefits	22,680
826	Other Expenses	10,000
886	Allocated Indirect Expense	<u>46,224</u>
	Total Appropriations	<u>\$156,208</u>
447	Donated Funds	\$78,104
685-2001	Interfund - DSS Fed/State	<u>78,104</u>
	Total Revenues	<u>\$156,208</u>

and be it further

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**ERIE COUNTY LEGISLATURE**

**RESOLVED**, that the following positions are hereby created effective January 1, 2004 in Department 200, Fund 282, Project 228:

Number	Title	Job Grade
2	Senior Social Welfare Examiner	7

(a B-100 is attached)

and be it further

**RESOLVED**, that the following budget amendments are hereby authorized in the 2004 Adopted Operating Budget:

**Department of Social Services, Department 200, Fund 120**

<b><u>ACCOUNT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>INCREASE</u></b>
880-2009	Interfund – Social Services Grants	<u>\$78,104</u>
	Total Appropriations	<u>\$78,104</u>
649	Federal Aid – Social Services Administration	<u>\$78,104</u>
	Total Revenues	<u>\$78,104</u>

and be it further

**RESOLVED**, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(5-0)

2. Item Page -2004 (Comm. 1E-39)

**COUNTY EXECUTIVE**

WHEREAS, the Federal Mental Health Act of 1996 prohibits employers with more than fifty employees that offer mental health benefits from imposing aggregate lifetime and annual limits that differ from those limits imposed for physical health care and treatment, and

WHEREAS, with respect to mental health care and chemical dependency services, the Federal Mental Health Act of 1996 fails to require parity for deductibles, co-payments, co-insurance and frequency of coverage, and

WHEREAS, according to the National Institute of Mental Health, in any given year over 50 million American adults or 20% of the population suffer from a mental disorder, and

WHEREAS, according to the U. S. Department of Health and Human Services, over 20% of children in this country have behavioral, emotional or mental health problems that, without appropriate treatment, may lead to school failure, alcohol or substance abuse, family disruption, violence, physical health problems or suicide, and

WHEREAS, New York State private insurance companies currently limit the number of inpatient and outpatient mental health visits per year and charge higher deductibles, co-payments and co-insurance costs for mental health and chemical dependency services than for physical health services, and

WHEREAS, A recent study conducted by Price Waterhouse Coopers estimates that the passage of parity legislation also known as Timothy's Law would only increase premiums by \$1.26 per employee per month, and

WHEREAS, thirty three other states have already enacted legislation to end the discriminatory practice of providing differing levels of benefits or coverage based upon whether a patient's illness or condition is mental or physical, and

WHEREAS, New York State Assembly Bill A.8301 previously approved and New York State Senate Bill S.5329 would ensure that mental health and chemical dependency coverage is provided by private insurance companies in New York State on terms comparable to other health care and medical services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports New York State Senate Bill S.5329, also known as "Timothy's Law" and recommends passage of this Bill by the New York State Senate, and be it further

RESOLVED, that certified copies of this resolution be furnished to the New York State Governor, New York State Assembly, New York State Senate, and Erie County Department of Mental Health.

(5-0)

3. Item Page -2004 (Comm. 5E-6)

**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Kevin J. Helfer as the Commissioner of Social Services for Erie County effective February 10, 2004.

(5-0)

4. Item Page -2004 (Comm. 5E-16)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount \$72,170 for TB Elimination Activities, and a one-time supplemental award for \$20,860 for TB Prevention and Control Activities, and

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WHEREAS, the purpose of these grant awards are to provide follow up of active TB cases, suspect cases, persons receiving preventive therapy for TB and persons exposed to TB; outreach services, and targeted screening and preventive therapy for at risk groups, and

WHEREAS, due to a reduction in funding by New York State, it will be necessary to delete one full-time position of Sr. Public Health Aide, JG III (position number 816406), effective February 1, 2004, and one regular part-time position of Sr. Caseworker – PH, JG IX, (position number 816408), effective August 31, 2004, and transfer one full-time position of Public Health Educator, JG VIII, (position number 816407) to the Public Health Campaign, Project #203, effective February 1, 2004, and

WHEREAS, the Public Health Campaign, Project #203, has sufficient funds to cover the salary and fringe benefits of the Public Health Educator position.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts with the New York State Department of Health to accept a continuation grant award in the amount of \$72,170 , and a one-time supplemental award for \$20,860 for TB Prevention and Control Activities which is budgeted as follows:

**TB Elimination Grant**  
**Project #205**  
**9/1/03 – 1/31/05**

<b>SFG</b>	<b>REVENUE</b>	<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>REVISED BUDGET</b>
582	State Aid Tuberculosis	\$ 258,709	\$ -165,679	\$ 93,030
	<b>TOTAL</b>	<b>\$ 258,709</b>	<b>\$ -165,679</b>	<b>\$ 93,030</b>
<b>EXPENSES</b>				
800	Personal Services	\$ 155,267	\$ -80,149	\$ 75,118
805	Fringe Benefits	57,123	-44,019	13,104
810	Office Supplies	3,300	-3,300	0
814	Medical Supplies	3,796	-3,796	0
824	Travel & Mileage	7,050	-6,050	1,000
826	Other Expenses	13,655	-13,655	0
830	Contracted Services	2,000	-2,000	0
880-2700	I/F-Health Grants	11,393	-11,393	0
880-5100	I/F- DISS	125	-125	0
	Lab & Technical			
933	Equipment	5,000	-1,192	3,808
	<b>TOTAL</b>	<b>\$ 258,709</b>	<b>\$ -165,679</b>	<b>\$ 93,030</b>

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and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one full-time position of Sr. Public Health Aide, JG III (position number 816406), effective February 1, 2004, and one regular part-time position of Sr. Caseworker – PH, JG IX, (position number 816408), effective August 31, 2004, and transfer one full-time position of Public Health Educator, JG VIII, (position number 816407) to the Public Health Campaign, Project #203, effective February 1, 2004, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
 (5-0)

5. Item Page -2004 (Comm. 5E-17)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature authorized the acceptance of a grant award from the New York State Health Department in the amount of \$1,050,265 on December 11, 2003, Comm. 25E-14, and

WHEREAS, in order to develop and deploy a system that will be used to provide early warning of disease outbreak, it is necessary to expand the ongoing efforts of the emergency department triage data collection system to include all hospitals in the Western New York region. This will allow public health officials an early indicator of disease outbreak, and

WHEREAS, in order to develop and deploy this system, it is necessary to contract with CUBRC, in the amount of \$180,645 and

WHEREAS, funds are included under Account 830 – Contractual, for this project

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is hereby authorized to enter into an agreement with CUBRC in the amount of \$180,645 for the purpose of developing and deploying a system that will be used to provide early warning of disease outbreak, and be it further

RESOLVED, that the contract with CUBRC is a special service which must be provided immediately and continuously, and therefore, the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
 (5-0)

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**ERIE COUNTY LEGISLATURE**

6. Item Page -2004 (Comm. 5E-34)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Administrative Division and the Congregate Dining Program (III-C-1), the Home Delivered Meals Program (III-C-2), the Area Agency on Aging Program (AAA), and the Disease Prevention and Health Promotion (III-D) grants for the period January 1, 2004 to December 31, 2004; the Community Services for the Elderly (CSE) and the Expanded In-Home Services for the Elderly (EISEP) grants for the period April 1, 2004 through March 31, 2005; and the Retired and Senior Volunteer Program (RSVP) grant for the period July 1, 2004 through June 30, 2005, and

WHEREAS, the Department has reviewed the budgets, minimum match requirements and actual costs of carrying out the programs' objectives, and

WHEREAS, the County budgets for these programs are in need of revision, and

WHEREAS, no additional County funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Administrative Division, Project 939, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
881	DISS Charges	\$200,437	- \$118,670	\$ 81,767
886/6309	Interfund Transfers-Grants	1,777,030	118,670	1,895,700
	<b>TOTAL CHANGE</b>		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the III-C-1 grant, Project 144, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
686/6300	Interfund Revenue	\$115,419	\$39,005	\$154,424
	<b>TOTAL CHANGE</b>		<u>\$39,005</u>	
<b>APPROPRIATIONS</b>				
880/5100	Interfund Expense	\$15,500	\$39,005	\$54,505
	<b>TOTAL CHANGE</b>		<u>\$39,005</u>	

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and be it further

RESOLVED, that the budget for the III-C-2 grant, Project 146, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
686/6300 Interfund Revenue	\$86,080	\$3,269	\$89,349
TOTAL CHANGE		<u>\$3,269</u>	
APPROPRIATIONS			
880/5100 Interfund Expense	\$0	\$3,269	\$3,269
TOTAL CHANGE		<u>\$3,269</u>	

and be it further

RESOLVED, that the budget for the AAA grant, Project 149, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
686/6300 Interfund Revenue	\$225,687	\$32,100	\$257,787
TOTAL CHANGE		<u>\$32,100</u>	
APPROPRIATIONS			
880/5100 Interfund Expense	\$40,130	\$32,100	\$72,230
TOTAL CHANGE		<u>\$32,100</u>	

and be it further

RESOLVED, that the budget for the III-D grant, Project 151, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
686/6300 Interfund Revenue	\$8,282	\$3,518	\$11,800
TOTAL CHANGE		<u>\$3,518</u>	
APPROPRIATIONS			
880/5100 Interfund Expense	\$2,500	\$3,518	\$6,018
TOTAL CHANGE		<u>\$3,518</u>	

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and be it further

RESOLVED, that the budget for the CSE grant, Project 153, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
686/6300	Interfund Revenue	\$171,062	\$11,051	\$182,113
	TOTAL CHANGE		<u>\$11,051</u>	
APPROPRIATIONS				
880/5100	Interfund Expense	\$9,780	\$11,051	\$20,831
	TOTAL CHANGE		<u>\$11,051</u>	

and be it further

RESOLVED, that the budget for the EISEP grant, Project 154, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
686/6300	Interfund Revenue	\$304,130	\$26,567	\$330,697
	TOTAL CHANGE		<u>\$26,567</u>	
APPROPRIATIONS				
880/5100	Interfund Expense	\$11,004	\$26,567	\$37,571
	TOTAL CHANGE		<u>\$26,567</u>	

and be it further

RESOLVED, that the budget for the RSVP grant, Project 158, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
686/6300	Interfund Revenue	\$43,371	\$3,160	\$46,531
	TOTAL CHANGE		<u>\$3,160</u>	
APPROPRIATIONS				
880/5100	Interfund Expense	\$3,000	\$3,160	\$6,160
	TOTAL CHANGE		<u>\$3,160</u>	

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**ERIE COUNTY LEGISLATURE**

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.  
 (5-0)

7. Item Page -2004 (Comm. 5E-35)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Retired and Senior Volunteer Program (RSVP) grant for the period July 1, 2003 to June 30, 2004, and

WHEREAS, the Corporation for National Service has made available an additional \$3,435 in funds for the 2003/2004 RSVP grant to provide support services to 1,150 RSVP volunteers working in community agencies throughout the county, and

WHEREAS, the County budget for this program is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the RSVP grant, project 776, for the period July 1, 2003 to June 30, 2004, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>			
Account Description			
664 Federal Aid	\$85,875	\$3,435	\$89,310
TOTAL CHANGE		<u>\$3,435</u>	
<b>APPROPRIATIONS</b>			
800 Personal Services	\$88,979	-\$1,893	\$87,086
805 Fringe Benefits	22,042	8,590	30,632
821 Dues & Fees	350	35	385
822 Rental	3,500	500	4,000
823 Repairs & Maintenance	168	12	180
824 Local Mileage	42,532	-5,099	37,433
825 Out of Area Travel	1,500	-1,293	207
826 Other Expenses	9,836	-1,128	8,708
832 General Liability	3,400	-39	3,361
880/5100 Interfund Expense - DISS	3,000	3,750	6,750
TOTAL CHANGE		<u>\$3,435</u>	

and be it further

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**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.  
 (5-0)

8. Item Page -2004 (Comm. 5E-36)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining (C-1) grant for the period January 1, 2003 to December 31, 2003, and

WHEREAS, one of the nutrition sites, the Salvation Army, served more meals during 2003, and the related contracts for clean-up reimbursement needs to be amended to fully reimburse the agency, and

WHEREAS, the County budget for this program is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend the contract with the Salvation Army as detailed below, and be it further

RESOLVED, that the budget for the C-1 grant, project 762, for the period January 1, 2003 to December 31, 2003, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
826	Other Expenses	\$1,239,121	-\$2,475	\$1,236,646
830/193	Salvation Army	54,977	675	55,652
880/5100	Interfund Expenses	15,000	1,800	16,800
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney and the Department of Senior Services.  
 (5-0)

9. Item Page -2004 (Intro. 5-6)

**WEINSTEIN**

WHEREAS, New York State's \$2.44 billion Temporary Assistance to Needy Families (TANF) allocation is based on the State's caseload and expenditures from the Federal Fiscal Year (FFY) 1995, and

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WHEREAS, because New York State's caseload and expenditures were significantly higher in FFY 1995 than in subsequent years there has been excess TANF funding ("TANF Surplus") above the amount needed to support the Federal share of the Family Assistance Program, and

WHEREAS, the annual surplus has been \$1.5 billion or higher since 2000 and will again be approximately \$1.5 billion for allocation in the 2004-2005 New York State Budget, and

WHEREAS, in past years the TANF Surplus provided additional funding for children and family services, transitional and employment initiatives, local administration and legislative programs aimed at helping low-income families obtain self-sufficiency, and

WHEREAS, the Governor is proposing to use the estimated \$1.5 billion TANF Surplus in the 2004-2005 budget for a variety of programs and initiatives, some of which do not directly impact low-income families, and

WHEREAS, Erie County along with many other counties throughout New York State are suffering under the burden of Medicaid and other Federal and State mandated programs, and

WHEREAS, the TANF Surplus could be used to reduce or eliminate the counties burden from Family Health Plus and Child Health Plus,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body is committed to providing efficient, effective services to the residents of Erie County, and be it further

RESOLVED, that this Honorable Body urges New York State to pass a budget that provides mandate relief to Erie County and the other counties of this great State, and be it further

RESOLVED, that this Honorable Body urges New York State to use the TANF Surplus, projected to be \$1.5 billion dollars in SFY 2004-2005 to pay the local share of Family Health Plus and Child Health Plus, and be it further

RESOLVED, that certified copies of this resolution be forwarded by the Clerk of the Erie County Legislature to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York Sate Assembly Speaker Sheldon Silver, the Western New York delegation of the New York State Legislature, Erie County Executive Joel A. Giambra, Erie County Comptroller Nancy A. Naples, Erie County Budget Director Joseph Passafiume and Commissioner of Family Services and Community Health Kevin Helfer.

Fiscal Impact: Positive for Erie County  
 (5-0)

**DEMONE A. SMITH**  
**CHAIRMAN**

MR. SMITH moved the approval of the resolution. MR. SCHROEDER seconded.

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**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 20 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

February 26, 2004

ECONOMIC DEVELOPMENT  
 COMMITTEE  
 REPORT NO. 3

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.

a. 

Item	Page	-2003	(Intro. 14-12)
<b>MINORITY CAUCUS: Reaffirming EC's Commitment to Apprenticeship Programs.</b>			
(5-0)			

b. 

Item	Page	-2004	(Comm. 5D-9)
<b>DPW: Information Related to the Federal Reauthorization of Transportation Funding.</b>			
(5-0)			

c. 

Item	Page	-2004	(Comm. 5M-8)
<b>NY POWER AUTHORITY: Notice of Additional Information Posted on Niagara Relicensing Website.</b>			
(5-0)			

2. 

Item	Page	-2003	<b>AS AMENDED</b> (Intro. 9-6)
<b>HOLT, SCHROEDER, KUWIK, SMITH, SWANICK &amp; MARSHALL</b>			
WHEREAS, the U.S. Department of Housing and Urban Development has designated Buffalo and Lackawanna as a "Renewal Community," and			

WHEREAS, the Renewal Community designation has been given to only forty (40) municipalities across the U.S., and

WHEREAS, the Renewal Community designation provides for a number of significant economic development and tax incentives to spur private business development and investment in urban cities, create affordable housing, and the creation and maintenance of jobs in poor census tracts, and

WHEREAS, the Renewal Communities will share an estimated \$22 billion in federal tax incentives, and

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WHEREAS, those federal incentives include a Work Opportunity Tax Credit for hiring new youth employees, an Employment Wage Credit for existing employees, Welfare to Work Credits for newly-hired welfare recipients, a Commercial Revitalization Deduction for the construction of new buildings or the rehabilitation of existing buildings, a Zero-Percent Capital Gains Rate, Additional Section 179 Expensing for businesses that purchase new equipment, Environmental Cleanup Cost Deductions for cleanup costs of brownfields, and

WHEREAS, Renewal Communities will also enjoy access to the New Markets Tax Credits for investors and the Low-Income Housing Tax Credit for rental housing, and

WHEREAS, those federal incentives can be supported, in many Buffalo and Lackawanna neighborhoods, by New York State's Empire Zone benefits, and

WHEREAS, the Renewal Community program and its many tax incentives are not yet well-known and utilized in Erie County, and

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature expresses its full support for the expansion of the Renewal Community and urges the local federal congressional delegation to support the geographic expansion of the Renewal Community through legislation in the U.S. House of Representatives and the U.S. Senate (S.100), and be it further

RESOLVED, the Erie County Legislature urges local government authorities, offices and private-sector business groups to work together to aggressively and fully market and publicize the program to private businesses, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Commissioner of Environment and Planning, ECIDA, Mayor of Buffalo, Buffalo Common Council, Mayor of Lackawanna, Lackawanna City Council, Buffalo Niagara Enterprise, Buffalo Niagara Partnership, local office of Fannie Mae, and the local Federal Delegation.

Fiscal Impact: Positive for Buffalo and Lackawanna businesses and residents.  
 (5-0)

**AS AMENDED**

3.     Item            Page                   -2004                   (Intro. 4-12)  
        **HOLT, SCHROEDER, WROBLEWSKI, KUWIK, SMITH, RANZENHOFER,**  
**WEINSTEIN, MARSHALL, MCCARVILLE, CHASE, CUSACK & SWANICK**  
        WHEREAS, there is interest on the part of Bass Pro Shops, Inc. to locate one of their  
 Outdoor World stores in Buffalo, and

WHEREAS, there exists significant public and private support for the establishment of a Bass Pro store in downtown Buffalo, and

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WHEREAS, that support is manifested through pledges of financial support from Bass Pro itself, as well federal transportation funds, state funds, and aid/infrastructural assistance from Erie County and the City of Buffalo, and

WHEREAS, recent discussion has centered on the establishment of a Bass Pro Shop, linked to a new intermodal transportation center, the demolition of the aging General Donovan State Office Building, and reuse plans for the Memorial Auditorium including the potential for the creation of a Great Lakes theme museum and a hotel-restaurant complex, and

WHEREAS, such a multi-purpose project would link to the ongoing redevelopment of the Inner Harbor area and could contribute to the cultural and tourism marketing of our community,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses support for the Bass Pro-Intermodal Transportation Center-Memorial Auditorium-Donovan State Office Building project, particularly as it fits into the redevelopment of the Inner Harbor redevelopment, and be it further

RESOLVED, that this Honorable Body calls on the New York State Assembly, New York State Senate, the Governor, and Erie County to redirect funds from the Adelphia project for the Bass Pro-Intermodal Transportation Center-Memorial Auditorium-Donovan State Office Building project, and be it further

RESOLVED, that this Honorable Body expresses its appreciation to Congressman Jack Quinn and Buffalo Mayor Anthony Masiello for their efforts in support of the Bass Pro-Intermodal Transportation Center project, and be it further

RESOLVED, that the Erie County Legislature requests the appearance of the Deputy County Executive, Budget Director or Commissioner of Environment and Planning to discuss the project and the County's specific role and proposed financial and infrastructural commitment to the project, and be it further

RESOLVED, that certified copies of this resolution be submitted to Governor George Pataki, the Western New York Delegation of the New York State Legislature, Congressman Jack Quinn, Erie County Executive Joel Giambra, Buffalo Mayor Anthony Masiello, Members of the Buffalo Common Council, the local office of Empire State Development, and Bass Pro President John L. Morris (2500 E Kearney St, Springfield, MO 65803).

Fiscal Impact: Not known at this time.  
(5-0)

**MARK J. F. SCHROEDER**  
**CHAIRMAN**

MR. SCHROEDER moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

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Item 21 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

February 26, 2004

FINANCE & MANAGEMENT  
 COMMITTEE  
 REPORT NO. 3

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received, filed and referred to the GOVERNMENT AFFAIRS COMMITTEE.

- |    |                                                                                                                                                             |      |       |                    |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-------|--------------------|
|    | Item                                                                                                                                                        | Page | -2003 | (L.L. Intro. 15-1) |
| a. | <b>LARSON, SWANICK, McCARVILLE, CHASE, FALKNER &amp; CUSACK:</b>                                                                                            |      |       |                    |
|    | A LL Req<br>Prior Written Notice of Defective, Out of Repair, Unsafe, Dangerous or Obstructed<br>Conditions of Any Street Etc. & Water, Snow, Etc.<br>(5-0) |      |       |                    |

2. RESOLVED, that the following items are hereby received and filed.

- |    |                                               |      |       |              |
|----|-----------------------------------------------|------|-------|--------------|
|    | Item                                          | Page | -2003 | (Intro. 1-2) |
| a. | <b>DEBENEDETTI:</b>                           |      |       |              |
|    | Position Restoration in 2003 Budget.<br>(5-0) |      |       |              |

- |    |                                                   |      |       |               |
|----|---------------------------------------------------|------|-------|---------------|
|    | Item                                              | Page | -2003 | (Comm. 5E-15) |
| b. | <b>COUNTY EXECUTIVE:</b>                          |      |       |               |
|    | Establishing EC Regional Assets Program.<br>(5-0) |      |       |               |

- |    |                                                                              |      |       |              |
|----|------------------------------------------------------------------------------|------|-------|--------------|
|    | Item                                                                         | Page | -2003 | (Comm. 9E-7) |
| c. | <b>DEBENEDETTI:</b>                                                          |      |       |              |
|    | Copy of Letter to Budget Director Re: Tobacco Asset Securitization.<br>(5-0) |      |       |              |

- |    |                                                                        |      |       |               |
|----|------------------------------------------------------------------------|------|-------|---------------|
|    | Item                                                                   | Page | -2003 | (Comm. 10E-4) |
| d. | <b>HOLT:</b>                                                           |      |       |               |
|    | Copy of Letter to Budget Director Re: Residual Tobacco Funds.<br>(5-0) |      |       |               |

- |    |                                                                                                                 |      |       |                |
|----|-----------------------------------------------------------------------------------------------------------------|------|-------|----------------|
|    | Item                                                                                                            | Page | -2003 | (Intro. 15-28) |
| e. | <b>MINORITY CAUCUS:</b>                                                                                         |      |       |                |
|    | Establishment of a Legislative Task Force to Study EC<br>Government Assistance to the City of Buffalo.<br>(5-0) |      |       |                |

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- f. Item Page -2003 (Intro. 16-6)  
**HOLT, MARINELLI, FISHER, DUSZA, DEBENEDETTI, DALE & SMITH:** Support for NYS's Tax Incremental Financing Initiative for the Bass Pro Shops Project.  
(5-0)
- g. Item Page -2003 (Comm. 20E-3)  
**DALE:** Copy of Letter to Comptroller Re: Audit Request.  
(5-0)
- h. Item Page -2003 (Comm. 24E-14)  
**COUNTY EXECUTIVE:** Staffing Reductions – Re-Engineering County Services.  
(5-0)
- i. Item Page -2004 (Comm. 5D-4)  
**BUDGET, MANAGEMENT & FINANCE:** Copy of Letter to Chairman Holt Detailing Residual Payments.  
(5-0)
- j. Item Page -2004 (Comm. 5D-6)  
**BUDGET, MANAGEMENT & FINANCE:** Copy of Letter to Legislator DeBenedetti Re: Erie Tobacco Asset Securitization Corporation.  
(5-0)
- k. Item Page -2004 (Comm. 5E-2)  
**COMPTROLLER:** Investment Earnings Report for 2003.  
(5-0)
- l. Item Page -2004 (Comm. 5E-3)  
**COMPTROLLER:** Cost of Borrowing Report & Scheduled Maturities Chart for Pension Serial Bonds & Public Improvement Bonds Sold 12/03 & 1/04.  
(5-0)
- m. Item Page -2004 (Comm. 5M-9)  
**XSPAND:** Copy of Letter to Chairman Holt Re: Resolution Titled "Allowing Property Owners to Make Payments & Avoid Foreclosure."  
(5-0)
- n. Item Page -2004 (Intro. 5-5)  
**RANZENHOFER, MINORITY CAUCUS:** Erie County's Excellence in Financial Reporting.  
(5-0)
- o. Item Page -2004 (Intro. 5-11)  
**DEBENEDETTI:** Erie Tobacco Asset Securitization Corporation & Erie County's Tobacco Proceeds.  
(5-0)

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3. Item Page -2003 (Intro. 6-12)

**DEBENEDETTI**

WHEREAS, the County of Erie has a surplus Mita DC- 3055 copier, County property number 192400, and

WHEREAS, the surplus copier is currently not being used and is presently stored in Erie County Legislator Al DeBenedetti's district office located at 155 Lawn Avenue Buffalo, New York 14207, and

WHEREAS, the Northwest Buffalo Community Center's Senior Case Management Department could place the surplus copier into viable and valuable use, and

WHEREAS, the Northwest Buffalo Community Center will be responsible for all supplies and maintenance needed for the Mita DC-3005 copier going forward,

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize Erie County Legislator AI DeBenedetti to donate the Mita DC-3055 copier to the Northwest Buffalo Community Center to be utilized by the Senior Case Manager, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Erie County Bureau of Purchase Joseph X. Martin and the Northwest Buffalo Community Center's Board.

Fiscal Impact: To Be Determined.  
 (5-0)

**AS AMENDED**  
 (Comm. 1D-21)

4. Item Page -2003  
**BUDGET, MANAGEMENT & FINANCE**

WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204063 through 204096 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

<b>FISCAL YEAR</b>	2004	Petition No.	<b>204063</b>
	ASSESSOR	<b>Cancel</b>	\$150.18

**MEETING NO. 6**  
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**ERIE COUNTY LEGISLATURE**

**S-B-L 118.00-3-21.1 142089 ALDEN**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$150.18	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>142089 ALDEN</b>		<b>\$150.18</b>

CANCEL - CLERICAL ERROR, THIS IN AN AGRICULTURAL DISTRICT AND IS USED FOR THE PRODUCTION OF CROPS. UNDER NEW YORK STATE AGRICULTURAL LAW WE CAN NOT CHARGE FOR WATER DISTRICT. RPTL 550(2)E

**FISCAL YEAR 2004**                      Petition No.                      **204064**

ASSESSOR                      **Cancel**                      \$94.68

**S-B-L 119.07-5-1 142089 ALDEN**

	Acct. No. 112	\$68.32	County
	Acct. No. 132	\$26.36	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>142089 ALDEN</b>		<b>\$26.36</b>

CANCEL - CLERICAL ERROR, NEW YORK STATE DOT OWNS THIS PROPERTY AND IS EXEMPT FROM TAXES. RPTL 550(2)C

**FISCAL YEAR 2003**                      Petition No.                      **204065**

ASSESSOR                      **Refund**                      \$757.08

**S-B-L 119.08-3-1.21 142089 ALDEN**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$757.08	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$757.08	
<b><u>Charge To :</u></b>	<b>142089 ALDEN</b>		<b>\$0.00</b>

REFUND- CLERICAL ERROR, THE STAR EXEMPTION WAS MISCALCULATED. THE AMOUNT WAS 1,299,869 AND 1,274,816. RPTL 550(2)B  
CHECK FOR: ALDEN VILLAGE ESTATES

**FISCAL YEAR 2004**                      Petition No.                      **204066**

ASSESSOR                      **Cancel**                      \$231.65

**MEETING NO. 6**  
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**ERIE COUNTY LEGISLATURE**

**S-B-L 119.08-3-5.112 142089 ALDEN**

Acct. No. 112	\$167.16	County
Acct. No. 132	\$64.49	Town/SpecialDist/School

**Charge To : 142089 ALDEN \$64.49**

CANCEL - UNLAWFUL ENTRY, PARCEL IS OWNED BY THE ALDEN COMMUNITY CHURCH AND IS WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A

**FISCAL YEAR 2004 Petition No. 204067**

**ASSESSOR Cancel \$165.69**

**S-B-L 129.00-3-8 142089 ALDEN**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$165.69	Town/SpecialDist/School

**Charge To : 142089 ALDEN \$165.69**

CANCEL - CLERICAL ERROR, THIS IS A SINGLE FAMILY HOME AND SHOULD ONLY BE CHARGED FOR ONE UNIT OF REFUSE. RPTL 550(2)E

**FISCAL YEAR 2004 Petition No. 204068**

**ASSESSOR Refund \$140.16**

**S-B-L 55.17-1-4 142289 AMHERST**

Acct. No. 112	\$64.64	County
Acct. No. 132	\$75.52	Town/SpecialDist/School

**Charge To : 142289 AMHERST \$75.52**

REFUND - CLERICAL ERROR , THE SENIOR EXEMPTION IN THE AMOUNT OF 33,250 SHOULD BE 47,500. RPTL 550(2)B  
 CHECK FOR: DONNA MAUNZ

**FISCAL YEAR 2004 Petition No. 204069**

**ASSESSOR Cancel \$294.31**

**S-B-L 16.00-1-23 142289 AMHERST**



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**ERIE COUNTY LEGISLATURE**

**Charge To :** Acct. No. 132 \$82.29 Town/SpecialDist/School  
**143089 CHEEKTOWAGA \$82.29**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 6,435 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004** Petition No. **204073**

ASSESSOR **Cancel** \$208.73

**S-B-L 91.19-10-12 143089 CHEEKTOWAGA**

**Charge To :** Acct. No. 112 \$75.41 County  
 Acct. No. 132 \$133.32 Town/SpecialDist/School  
**143089 CHEEKTOWAGA \$133.32**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 10,425 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004** Petition No. **204074**

ASSESSOR **Cancel** \$693.81

**S-B-L 92.03-1-11 143089 CHEEKTOWAGA**

**Charge To :** Acct. No. 112 \$199.66 County  
 Acct. No. 132 \$494.15 Town/SpecialDist/School  
 30023 FIRE # 4 U CREST \$43.12  
**143089 CHEEKTOWAGA \$451.03**

CANCEL - CLERICAL ERROR, THIS IS A DUPLICATE PARCEL AND SHOULD BE REMOVED. RPTL 550(2)F

**FISCAL YEAR 2004** Petition No. **204075**

ASSESSOR **Cancel** \$200.35

**S-B-L 92.13-2-21 143089 CHEEKTOWAGA**

Acct. No. 112 \$51.36 County  
 Acct. No. 132 \$148.99 Town/SpecialDist/School

**MEETING NO. 6****March 4, 2004****ERIE COUNTY LEGISLATURE**

30023 FIRE # 4 U CREST \$11.09

**Charge To : 143089 CHEEKTOWAGA \$137.90**

CANCEL - CLERICAL ERROR, THE NFTA OWNS THIS PROPERTY AND THE EXEMPTION WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004**      Petition No.      **204076**ASSESSOR      **Cancel**      \$143.91**S-B-L 92.13-2-22**      **143089 CHEEKTOWAGA**

Acct. No. 112      \$36.89      County

Acct. No. 132      \$107.02      Town/SpecialDist/School

30023 FIRE # 4 U CREST \$7.97

**Charge To : 143089 CHEEKTOWAGA \$99.05**

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY NFTA AND THE EXEMPTION WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004**      Petition No.      **204077**ASSESSOR      **Cancel**      \$1,051.17**S-B-L 92.18-2-18**      **143089 CHEEKTOWAGA**

Acct. No. 112      \$379.78      County

Acct. No. 132      \$671.39      Town/SpecialDist/School

**Charge To : 143089 CHEEKTOWAGA \$671.39**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 52,500 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004**      Petition No.      **204078**ASSESSOR      **Cancel**      \$2,797.84**S-B-L 102.02-3-6**      **143089 CHEEKTOWAGA**

Acct. No. 112      \$705.30      County

Acct. No. 132      \$2,092.54      Town/SpecialDist/School



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CANCEL - CLERICAL ERROR, THIS IS A DUPLICATE PARCEL . RPTL 550(2)F

**FISCAL YEAR 2004**                      Petition No.                      **204082**

ASSESSOR                      **Cancel**                      \$1,512.59

**S-B-L 630.89-9999-131.**                      **143089 CHEEKTOWAGA**

Acct. No. 112                      \$537.61                      County  
 Acct. No. 132                      \$974.98                      Town/SpecialDist/School

30300 ERIE CO SEW DST 1                      \$24.58

**Charge To :**                      **143089 CHEEKTOWAGA**                      **\$950.40**

CANCEL - CLERICAL ERROR, THIS IS A DUPLICATE PARCEL. RPTL 550(2)F

**FISCAL YEAR 2004**                      Petition No.                      **204083**

ASSESSOR                      **Cancel**                      \$235.00

**S-B-L 180.67-1-22**                      **144889 HAMBURG**

Acct. No. 112                      \$0.00                      County  
 Acct. No. 132                      \$235.00                      Town/SpecialDist/School

48119 ERIE CO SEW DST 2                      \$235.00

**Charge To :**                      **144889 HAMBURG**                      **\$0.00**

CANCEL - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT BE CHARGED FOR A SEWER UNIT. RPTL 550(2)E

**FISCAL YEAR 2004**                      Petition No.                      **204084**

ASSESSOR                      **Cancel**                      \$235.22

**S-B-L 113.57-2-12**                      **143089 CHEEKTOWAGA**

Acct. No. 112                      \$84.98                      County  
 Acct. No. 132                      \$150.24                      Town/SpecialDist/School

**Charge To :**                      **143089 CHEEKTOWAGA**                      **\$150.24**







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50020 HOLLAND FIRE DIST #1 \$22.18  
Charge To : **145000 HOLLAND** **\$45.24**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 15,800 AND SHOULD BE 1,200.  
 RPTL 550(2)A

**FISCAL YEAR** 2004 **Petition No.** **204094**

**ASSESSOR** **Cancel** \$1,018.43

**S-B-L** 40.61-2-21 **146489 TONAWANDA**

Acct. No. 112 \$462.67 County  
 Acct. No. 132 \$555.76 Town/SpecialDist/School  
Charge To : **146489 TONAWANDA** **\$555.76**

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 61,020 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR** 2004 **Petition No.** **204095**

**ASSESSOR** **Cancel** \$2,729.23

**S-B-L** 77.31-2-19 **146489 TONAWANDA**

Acct. No. 112 \$696.75 County  
 Acct. No. 132 \$2,032.48 Town/SpecialDist/School  
 64025 FIRE PROT INDUSTRIAL \$41.06  
Charge To : **146489 TONAWANDA** **\$1,991.42**  
**Relevy School** \$644.30 146401 KEN-TON UNION FREE

CANCEL - UNLAWFUL ENTRY, PARCEL IS A NON PROFIT ORGANIZATION THAT IS WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A

**FISCAL YEAR** 2004 **Petition No.** **204096**

**ASSESSOR** **Refund** \$31.74

**S-B-L** 134.19-1-19 **146800 WEST SENECA**

Acct. No. 112 \$0.00 County

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	Acct. No. 132	\$31.74	Town/SpecialDist/School
	68025 W SENECA FIRE #6	\$3.58	
<b><u>Charge To :</u></b>	<b>146800 WEST SENECA</b>	<b>\$28.16</b>	

REFUND - CLERICAL ERROR, THE VOLUNTEER FIREMAN'S EXEMPTION IN THE AMOUNT OF 1,755 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
 CHECK FOR: EDWIN & LISA LEHSTEN  
 (5-0)

5. Item Page -2004 **AS AMENDED**  
 (Comm. 4E-55)  
**COUNTY EXECUTIVE**  
 WHEREAS, your Honorable Body approved the establishment of capital projects to initiate and implement a new integrated financial/human resource system for Erie County, and

WHEREAS, the original "go live" date of the project has been delayed in order to resolve, various issues which emerged towards the end 2003, and

WHEREAS, the Department of Information and Support Services' Enterprise Resource Planning (ERP) project, utilizes the services of qualified consultants, IBM and their local partner, Globalquest, and

WHEREAS, it is essential for the completion of the project that the Legislature provide the County Executive with the authority to contract with IBM and Globalquest, to expand the original scope of their engagement and to extend the maximum allowable contractual amount established in the original resolution, by \$5,000,000, and

WHEREAS, Lumsden & McCormick, LLP issued an "Operational Study of Certain Functions of Government" to the County on February 6, 2003, and

WHEREAS, that study identified a potential annual savings of \$250,000 available to the County to reorganize the Comptroller's Office Accounts Payable function, and

WHEREAS, additional staffing is required in the Comptroller's Office in order to meet "go live" accounts payable requirements, and

WHEREAS, the County ERP Project Executive Review Committee has approved these recommendations,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with IBM and their local partner, Globalquest, to expand the original scope of their engagement and to extend the maximum allowable contractual amount, by \$5,000,000, and be it further

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RESOLVED, that the 2004 Erie County Capital Budget is hereby amended to establish a 2004 Enterprise Resource Planning System capital project in the amount of \$5,000,000, and be it further

RESOLVED, that the source of funds for this project shall be \$5,000,000 in available funds from Tobacco Trust Fund proceeds, and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to create one position of Chief Account Clerk, Job Group 7, and five positions of Data Processing Control Clerk, Job Group 5, in the Office of the Comptroller, in order to provide proper staffing for the accounts payable function, and be it further

RESOLVED, that funding for these positions shall be obtained from the ERP capital project through the reimbursement of ERP implementation related operating fund expense in the Division of Information and Support Services, and be it further

RESOLVED, that funding for these positions be established in the operating fund as follows:

<b>2004 Operating Fund</b>	
<u>Revenue</u>	<u>Increase</u>
Division of Information and Support Services Acct. 685 Interfund Revenue -Capital DISS	<u>\$192,000</u>
<b>Total Revenue</b>	<b>\$192,000</b>
<u>Appropriation</u>	<u>Increase</u>
Office of the Comptroller Acct. 800 Personal Services Acct. 805 Fringe Benefits	 \$148,000 <u>44,000</u>
<b>Total Appropriation</b>	<b>\$192,000</b>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Attorney, the Director of Information and Support Services, the Director of Purchasing, the Commissioner of Personnel, the County Comptroller and the Director of Budget, Management and Finance.

(5-0)

6. Item Page -2004 (Comm. 5E-7)  
**COMPTROLLER**

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June thirty, two thousand four; and

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**ERIE COUNTY LEGISLATURE**

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WHEREAS, Senate Bill S. 5828 and Assembly Bill A. 9250, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June thirty, two thousand five;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S. 5828, entitled "AN ACT to amend the Local Finance Law, in relation to the sale of municipal obligations by the County of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June thirty, two thousand four; and

WHEREAS, Assembly Bill A. 9250 and Senate Bill S. 5828, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June thirty, two thousand five;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A. 9250, entitled "AN ACT to amend the Local Finance Law, in relation to the sale of municipal obligations by the County of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

(5-0)

7.	Item	Page	-2004	<b>AS AMENDED</b> (Comm. 5E-24)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, under State and Federal Law, Erie County is required to provide legal defense services to those who cannot afford an attorney, and

WHEREAS, Erie County meets a portion of this obligation by contracting with the Bar Association Indigent Defense Program, utilizing the assigned counsel model where compensation is based on rates established by New York State, and

WHEREAS, in 2003, New York State passed legislation that served to double assigned counsel fees and therefore the cost to the County for funding the Bar Association Indigent Defense Program, and

WHEREAS, the State also included in the legislation, State Aid reimbursement to county governments for a portion of the additional expense, and

WHEREAS, the 2004 Erie County Budget did not fully fund the assigned counsel program,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to increase the budget of the Department of Law, in account 830-0101, Contractual Erie County Bar, by the amount of \$3,435,617, bringing the total annual funding for the assigned counsel program to \$7,004,263, and be it further

RESOLVED, that the source of funds for this request, shall be made available in the budget of the Department of Law, through the use of \$2,250,286 of unanticipated State revenue to be budgeted in account 627, State Aid for Indigent Defense; and through the expense transfer of \$1,185,331 from account 830, Contractual Contingency for Indigent Defense, and be it further

RESOLVED, that the Erie County Bar Association Indigent Defense Program shall submit to the County Attorney quarterly reports showing the disposition and status of the County funds provided for indigent defense, including all appropriations and denoting which attorneys have received such funds for their services, and the County Attorney shall file those quarterly reports with the Erie County Legislature, and be it further

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RESOLVED, that certified copies of this resolution shall be forwarded to the County Attorney, the County Comptroller and the Director of Budget, Management and Finance.  
 (5-0)

**ALBERT DEBENEDETTI**  
**CHAIRMAN**

MR. DEBENEDETTI moved to separate items #5 & #7 and moved the approval of the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend item #5. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following two (2) **RESOLVE** Clauses immediately following the sixth (6th) **RESOLVE**:

RESOLVED, that the Erie County Legislature shall receive, upon request, full and complete access to all modules of the ERP/SAP system, including the training of designated persons from the Legislature in the use of ERP/SAP, and be it further

RESOLVED, that the Director of Information and Support Services and the ERP Team Leader shall provide monthly reports to the Legislature providing updates on the status of the implementation and operation of the ERP/SAP project and system, including expected or potential cost overruns and potential new appropriation and staffing requests, and be it further

MS. MARINELLI moved the approval of item #5 as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of item #7. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 22 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 6-1 From LEGISLATORS SWANICK, MINORITY CAUCUS, KUWIK, SCHROEDER & WROBLEWSKI Re: Real Property Tax Exemption for Senior Citizens.

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Item 23 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

Re: Calling on the NYS Legislature to Create a  
 Pilot Project in EC for Brownfield  
 Redevelopment. (Intro. 6-2)

A RESOLUTION SUBMITTED BY LEGISLATORS  
 SWANICK & SCHROEDER

WHEREAS, in 2003, the NYS Legislature passed brownfields legislation that created some of the most stringent requirements in the United States for brownfield redevelopment by imposing new fees and increasing the time and money required to complete remediation projects, and

WHEREAS, this legislation has forced municipalities and private companies to suspend or scale back remediation efforts on brownfield areas in order to limit their potential liability, and

WHEREAS, the NYS Legislature is considering changes to this legislation by providing protections to municipalities and allowing certain fee exemptions for businesses involved in brownfield redevelopment, and

WHEREAS, the business, labor, and government communities of the Buffalo-Niagara Region have come together in an unprecedented manner and agreed that a paradigm shift is needed in how brownfield redevelopment occurs in the area, and

WHEREAS, NYS Senator Volker and NYS Assemblyman Higgins sponsored bills (S.5531/A.7274) in the last legislative session, which sought to create a soils/fill management plan for an area defined as the Western New York Brownfield Renewal Area, and

WHEREAS, the soils/fill management plan in this proposed legislation set clean-up standards that would be protective of human health and the environment and would have allowed the Western New York Brownfield Renewal Area to be utilized for commercial industrial use, and

WHEREAS, verified compliance with the soils/fill management plan would release eligible parties from certain potential liabilities thereby making the risk for taking on such projects more cost effective, and

WHEREAS, this lower cost would contribute to further development of the Western New York Brownfield Renewal Area for commercial industrial use and ultimately economic and job growth in the region, and

WHEREAS, the Erie County Legislature calls upon the NYS Legislature to use the bills of NYS Senator Volker and NYS Assemblyman Higgins from the last legislative session to create a pilot soils/fill management plan program for Erie County and brownfield redevelopment in the area,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby commends the work of the local business, labor and government communities in their joint work and advocacy for a new brownfield redevelopment paradigm in Erie County, and be it further

RESOLVED, that the Erie County Legislature hereby calls upon the NYS Legislature to utilize the legislation (S.5531/A.7274) sponsored by NYS Senator Volker and NYS Assemblyman Higgins from the last legislative session to create a pilot soils/fill management plan program for Erie County, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, Senate Majority Leader Bruno, Assembly Speaker Silver, the WNY Delegation to the Assembly & Senate, County Executive Giambra, the Economic Development Group (100 South Elmwood Avenue, Suite 100, Buffalo, NY 14202) and the Buffalo Niagara Partnership.

Fiscal Impact: Potentially Positive for Erie County.

MS. MARINELLI moved to amend the resolution to attach the NYS Assembly Bill A.7274.  
MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to further amend the above resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

Item 24 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 6-3 From LEGISLATORS McCARVILLE & CHASE Re: Urging the Designation of US Route 219 as a "Scenic Byway".

Item 25 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 83

Re: Home Rule Request for a NYS  
Early Retirement Incentive for the EC  
Workforce. (Intro. 6-4)

A RESOLUTION SUBMITTED BY  
LEGISLATORS HOLT AND MARINELLI

WHEREAS, the 2004 Adopted Budget contains assumptions concerning County employee turnover and reductions in workforce, and

WHEREAS, this Honorable Body has respectfully requested that members of the local delegation of the New York State legislature consider introducing an early retirement incentive, and

WHEREAS, in response to that action of this Honorable Body, the NYS Senate and NYS Assembly have introduced legislation which would provide an early retirement incentive for members of the Erie County Workforce, and

WHEREAS, these bills, A. 9862 in the NYS Assembly and S. 6125 in the NYS Senate would help address the issues of workforce reduction in a manner that causes the least hardship for the working men and women of Erie County, and

WHEREAS, the Governor has introduced a local government early retirement incentive as part of his budget amendments, and

WHEREAS, since the release of the New York State Governor's 2004 - 2005 Executive Budget, the Governor has since introduced a local government early retirement incentive as part of his budget amendments,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body wishes to implement an early retirement incentive for the Fiscal Year 2004 in order to produce the savings anticipated in the adopted 2004 Budget with the least distress to the County workforce, and be it further

RESOLVED, that such incentive be performed at the least cost to the County using the best legislative options available, and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, Budget Director, Comptroller, Personnel Commissioner, New York State Governor, and the local delegation of the New York State Legislature.

Fiscal Impact: Not known at this time.

MS. MARINELLI moved to amend resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

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AYES: WEINSTEIN DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. (AYES 9, NOES 6).

CARRIED.

• **DELETE the resolution in its entirety and REPLACE with the following**

WHEREAS, the 2004 Adopted Budget contains assumptions concerning County employee turnover and reductions in workforce, and

WHEREAS, the original submission of the New York State Governor's 2004-2005 Executive Budget did not contain an early retirement incentive, and

WHEREAS, this Honorable Body has in previous resolutions respectfully requested that members of the local delegation of the New York State Legislature consider introducing an early retirement incentive, and

WHEREAS, A.9862 in the NYS Assembly and S.6125 in the NYS Senate would create an early retirement incentive only for employees of Erie County, and

WHEREAS, since the release of the New York State Governor's 2004-2005 Executive Budget, the Governor has since introduced amendments to that budget, and

WHEREAS, in those budget amendments, bills A. 9556-A in the NYS Assembly and S. 6056-A in the NYS Senate, Part MM establishes a retirement incentive program for local governments as a means to achieve personnel savings and mitigate the property tax burden without resorting to layoffs, and

WHEREAS, on January 26, 2004, the NYS Comptroller Alan G. Hevesi proposed adoption of pension proposals that would provide up to \$1.15 billion in budget relief to local governments with no cost to the pension system, and

WHEREAS, such relief of pension costs would significantly ease the burden on the Erie County Budget,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body wishes to pursue an early retirement incentive for the Fiscal Year 2004 in order to produce the savings anticipated in the adopted 2004 Budget with the least distress to the County workforce, and be it further

RESOLVED, that a meeting of the Finance and Management Committee be convened to analyze the costs and anticipated savings associated with such an early retirement incentive, including information about the past implementations of early retirement incentives, their costs, and their savings to the County, and be it further

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RESOLVED, that information be gathered from NYS Senate, NYS Assembly, and the NYS Comptroller about the status of both versions of the early retirement incentive and the pension proposals put forward by the Comptroller, and be it further

RESOLVED, that such incentive be performed at the least cost to the County using the best legislative options available and providing a level of fairness and equity to the workforce of the County who would take part in such an incentive, and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, Budget Director, Comptroller, Personnel Commissioner, New York State Governor, New York State Comptroller, and the local delegation of the New York State Legislature.

Fiscal Impact: Not known at this time.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER & SWANICK. (AYES 9, NOES 6).

CARRIED.

Item 26 – CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 6-5 From LEGISLATOR SMITH Re: Implementation of General Supervision Fee by the EC Probation Office to be Determined by Income.

Item 27 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

Re: Authorizing the EC DPW – Division of Highways to Donate Scrap Cutting Blades to Marilla Sno-Mob.  
 (Intro. 6-6)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR MARSHALL

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**ERIE COUNTY LEGISLATURE**

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WHEREAS, Erie County is home to various snowmobile clubs and organizations that provide trails and riding opportunities to their respective members and other snowmobile riders, and

WHEREAS, snowmobile riding is a growth industry in the Western New York area and generates significant dollars to the local economy during the winter months, and

WHEREAS, the trails utilized by these local clubs and organizations are provided through the generosity of property owners in the area where the trails are located, and

WHEREAS, in order to provide smooth and safe trails, snowmobile clubs must undertake extensive grooming and work on the trails under their jurisdiction, and

WHEREAS, these clubs and organizations operate and maintain grooming machines to groom and sustain the trails, and

WHEREAS, these grooming machines are very expensive to purchase and maintain, and

WHEREAS, some of the grooming machines maintained by these clubs and organizations utilize cutting blades similar to ones used by the Erie County Department of Public Works – Division of Highways, and

WHEREAS, the Erie County Department of Public Works – Division of Highways has reported that they currently have several used cutting blades which are intended to be disposed of as scrap metal, and

WHEREAS, these scrap cutting blades have completed their useful life to the Erie County Department of Public Works – Division of Highways and have only scrap value, and

WHEREAS, these cutting blades could be reused by providing them to local snowmobile clubs and organizations for their grooming machines, and

WHEREAS, the Marilla Sno-Mob, a local snowmobile club, has requested that Erie County Department of Public Works – Division of Highways donate scrap cutting blades to their organization to be used on their grooming machine, and

WHEREAS, such a donation by the Erie County Department of Public Works – Division of Highways would alleviate the Department of its disposal burden for these cutting blades and would be of significant assistance to the Marilla Sno-Mob, and

WHEREAS, the donation of these or any future scrap cutting blades should be properly inventoried by the Erie County Department of Public Works – Division of Highways,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Department of Public Works – Division of Highways to donate scrap cutting blades to the Marilla Sno-Mob for use on their grooming machine, and be it further

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RESOLVED, that the Erie County Legislature does hereby extend an invitation to other snowmobile clubs and organizations in Erie County to apply with the Erie County Department of Public Works – Division of Highways to receive scrap cutting blades for use on their respective grooming machines, and be it further

RESOLVED, that the donation of these or any future scrap cutting blades should be properly inventoried by the Erie County Department of Public Works – Division of Highways, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Department of Public Works Commissioner Lehman, Department of Public Works Deputy Commissioner Sentz, Department of Public Works Assistant Deputy Commissioner of Highways Larson and Marilla Sno-Mob (P.O. Box 137, Marilla, NY 14102).

Fiscal Impact: Potentially Positive for Erie County.

MS. MARINELLI moved the approval of the resolution. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

Item 28 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

Re: Transfer of Public Benefit Funds.  
(Intro. 6-7)

A RESOLUTION SUBMITTED BY LEGISLATORS, MARINELLI,  
DUSZA, RANZENHOFER, CHASE, CUSACK, MARSHALL,  
McCARVILLE, SWANICK & WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$58,000 from the 2003 Legislature- Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services (110921301830) for payment to the following agencies:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Kenton Musical Theatre Workshop, Inc.	830/0261	\$2,500	MARINELLI
Town of Amherst (Amherst Senior Services)	830/1017	\$2,500	RANZENHOFER
Town of , Clarence Baseball Association, Inc.	830/1130	\$3,000	RANZENHOFER
Clarence Chamber of Commerce	830/1134	\$3,000	RANZENHOFER
Clarence Concert Association	830/1273	\$3,000	RANZENHOFER
Town of Cheektowaga (Senior Center)	830/0255	\$2,500	RANZENHOFER
East Eden Fire Company	830/1314	\$2,500	CHASE
Town of Evans (Youth Court)	830/1270	\$1,000	CHASE
L.K. Painter Community Center, Inc.	830/0550	\$10,000	MINORITY
Frank L. Gierlach Post No. 1320 of the American Legion, Inc	830/1776	\$4,000	DUSZA
Village of Gowanda	830/	\$1,000	CHASE
Greater Lancaster Fire Prevention and Safety Organization, Inc.	830/	\$20,000	MARSHALL
Resurrection Roman Catholic Church Society	830/	\$3,000	DUSZA
<b>TOTAL</b>		<b>\$58,000</b>	

And be it further

RESOLVED, that \$1,000 be returned to the Legislature- Contractual fund (110905100830) from Fund 110, Project 921, Department 301 Agency Payments & Grants- Public Benefit Services- Town Park Homeowner's Association, Inc. (1109213018301873), and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Crystal L. Quick- Assistant Public Benefit Administrator; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Reallocation of 2003 Budgeted Funds

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 86

Re: Consideration for Public Benefit  
 Funding. (Intro. 6-8)

A RESOLUTION SUBMITTED BY  
 LEGISLATORS CHASE, McCARVILLE, CUSACK & MARSHALL

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Southtowns Walleye Assoc. of WNY	\$4,500	CHASE, McCARVILLE & MARSHALL
United Irish American Association of Erie County	\$1,000	CUSACK & McCARVILLE
TOTAL	\$5,500	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MR. McCARVILLE seconded.

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CARRIED UNANIMOUSLY.

- **DELETE** the entire **RESOLUTION** in its entirety and **REPLACE** with:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Southtowns Walleye Assoc. of WNY	\$4,500	CHASE, McCARVILLE & MARSHALL
United Irish American Association of Erie County	\$2,000	CHASE, CUSACK & McCARVILLE
TOTAL	\$6,500	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution as amended. MR. McCARVILLE seconded.

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CARRIED UNANIMOUSLY.

Item 30 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

Re: Consideration for Public Benefit  
 Funding. (Intro. 6-9)

A RESOLUTION SUBMITTED BY  
 LEGISLATORS SWANICK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Tonawanda Post # 264 American Legion	\$8,000	SWANICK
Grand Island Golden Age Center	\$500	SWANICK
Buffalo Broadcast Pioneers	\$5,000	SWANICK
TOTAL	\$13,500	

And be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$450.00 from the fund (1109233108050109) to a separate sub-account under agency payments monitored by the Erie County Department of Parks & Recreation, General Fund 110, Project 942, Department 640, Account 452 (110942640452), and be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 31 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

Re: Consideration for Public Benefit  
 Funding. (Intro. 6-10)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR CHASE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
YMCA of Greater Buffalo (Southtowns)	\$2,000	CHASE
TOTAL	\$2,000	

And be it further

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RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

<b>NAME OF ORGANIZATION</b>	<b>RECOMMENDED AMOUNT</b>	<b>SPONSOR</b>
YMCA of Greater Buffalo (Southtowns)	\$2,000	CHASE
Town of Hamburg	\$18,000	CHASE
TOTAL	\$20,000	

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

Re: Consideration for Public Benefit Funding. (Intro. 6-11)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR CUSACK

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WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Amherst Symphony Orchestra	\$2,000	CUSACK
Amherst Task Force	\$1,000	CUSACK
Amherst Refuse Control	\$2,000	CUSACK
Amherst Heritage Committee	\$1,000	CUSACK
Cheektowaga Senior Center	\$5,000	CUSACK
Amherst Public Library	\$7,500	CUSACK
Mel Ott Little League	\$2,000	CUSACK
MusicalFare Theatre	\$7,500	CUSACK
American Red Cross	\$2,483	CUSACK
TOTAL	\$30,483	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

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Item 33 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

Re: Consideration for Public Benefit  
 Funding. (Intro. 6-12)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

<b>NAME OF ORGANIZATION</b>	<b>RECOMMENDED AMOUNT</b>	<b>SPONSOR</b>
North Amherst Fire Company	\$7,500	WEINSTEIN
TOTAL	\$7,500	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl, Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MR. WEINSTEIN seconded.

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CARRIED UNANIMOUSLY.

- **DELETE** the First **RESOLVED** Clause in its entirety and **REPLACE** with:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

<b>NAME OF ORGANIZATION</b>	<b>RECOMMENDED AMOUNT</b>	<b>SPONSOR</b>
North Amherst Fire Company	\$7,500	WEINSTEIN
Firemen's Memorial Exhibit Center of WNY, Inc.	\$1,000	WEINSTEIN
Crisis Services	\$1,434	WEINSTEIN
<b>TOTAL</b>	<b>\$9,934</b>	

MR. RANZENHOFER moved the approval of the resolution as amended. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

Re: Consideration for Public Benefit Funding. (Intro. 6-13)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR MARSHALL

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Lancaster Opera House	\$20,000	MARSHALL
Matthew Foster Foundation	\$5,000	MARSHALL
TOTAL	\$25,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Harry V. Wahl – Chief-of-Staff, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 35 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

Re: Consideration for Public Benefit Funding. (Intro. 6-14)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
West Seneca Little Loop Football Inc.	\$ 3,000	WROBLEWSKI
Buffalo Building Trades Development Partnership, Inc.	\$ 5,000	WROBLEWSKI
St. Bonaventure School	\$ 1,500	WROBLEWSKI
<b>TOTAL</b>	<b>\$ 9,500</b>	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved to amend the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following co-sponsor: DUSZA
- **DELETE** the resolution in its entirety and replace with the following:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

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<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
West Seneca Little Loop Football Inc.	\$ 3,000	WROBLEWSKI
Buffalo Building Trades Development Partnership, Inc.	\$ 5,000	WROBLEWSKI
St. Bonaventure School	\$ 1,500	WROBLEWSKI
Cheektowaga Senior Center	\$ 1,500	WROBLEWSKI
Bellevue Fire District No. 9	\$ 2,500	DUSZA
Forks Fire District No. 3	\$ 2,500	DUSZA
Hy-View Fire District No. 8	\$ 2,500	DUSZA
Pine Hill Fire District No. 9	\$ 2,500	DUSZA
Rescue Fire District No. 1	\$ 2,500	DUSZA
South Line Fire Co.	\$ 1,500	DUSZA
U-Crest Fire District No. 4	\$ 2,500	DUSZA
Depew Fire Dept.	\$ 3,000	DUSZA
Cheektowaga Police Club Inc.	\$ 500	DUSZA
Friends of the Woods	\$ 1,500	DUSZA
Hope for Tomorrow Foundation	\$ 2,000	DUSZA
Buffalo Fire Historical Society Museum	\$ 500	DUSZA
Boy Scouts of America, Troop 665	\$ 1,000	DUSZA
TOTAL	\$36,000	

And be it further

RESOLVED, that the designation of \$40,000 for Neighborhood Information Center as per Intro 3-2 (2004) as amended be amended and reduced to \$10,000 and be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution as amended. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 36 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

Re: Consideration for Public Benefit  
 Funding. (Intro. 6-15)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR MARINELLI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Forever Elmwood Corp.	\$ 5,500	MARINELLI
Buffalo Workforce Development Center	\$ 1,000	MARINELLI
TOTAL	\$ 6,500	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

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Item 37 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

Re: Request for Reimbursement from  
 State for Smoking Waiver Fees & Costs.  
 (Intro. 6-16)

A RESOLUTION SUBMITTED BY LEGISLATORS HOLT,  
 MARINELLI, SMITH, WROBLEWSKI AND DEBENEDETTI

WHEREAS, in Spring 2003, the New York State Legislature and Governor approved legislation establishing a clean indoor air law banning smoking from bars and restaurants, and

WHEREAS, the state law took effect in late July 2003, and

WHEREAS, in November 2003, the first fines were levied by the Erie County Department of Health on establishments violating the law, and

WHEREAS, in December 2003, following public criticism, the New York State Department of Health issued rules with criteria allowing establishments to apply for a waiver from the law if they could prove that they lost 15% of their profit due to the law, and

WHEREAS, those state rules applied only to counties without health departments, thus excluding Erie County, and

WHEREAS, in December 2003, after legal challenges from two establishments, the Erie County Health Commissioner agreed to establish county waiver criteria, and

WHEREAS, in late January 2004, the Erie County Health Commissioner issued that criteria – criteria that is viewed as more stringent and restrictive than the state criteria or that of neighboring counties, and

WHEREAS, in that process, the Erie County Health Commissioner has been levying a nonrefundable \$98 fee against each establishment that applies for a waiver, regardless of the success of failure of their application, and

WHEREAS, citing his internal costs to review the waiver applications, the Commissioner has requested permission to levy additional fees on businesses that are not immediately rejected for a waiver and which require additional detailed review by his staff, and

WHEREAS, the state law and the financial constraints and burden imposed on the County of Erie government and its residents represents a significant, additional unfunded mandate from New York State,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature expresses its concerns and opposition to the unfunded mandate imposed on the retail establishments in this County and on Erie County government by the State of New York, and be it further

RESOLVED, that the Erie County Legislature requests the County Executive initiate action to recoup reimbursement from New York State for the costs to the County government for administering the Clean Indoor Air Act, including the costs to the County of processing waiver applications and monitoring compliance with the law, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Budget Director, Health Commissioner, Governor, and local delegation of the New York State Legislature.

Fiscal Impact: Positive for Erie County.

MR. RANZENHOFER moved to amend the resolution. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: WEINSTEIN. (AYES 14, NOES 1).

CARRIED.

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

Re: Blueprint for Change - "Re-Engineering" of Human & Social Service Delivery in EC Government. (Intro. 6-17)

A RESOLUTION SUBMITTED BY  
LEGISLATORS HOLT, SMITH AND DEBENEDETTI

WHEREAS, on January 24, 2002, upon a request from the County Executive, the Erie County Legislature authorized the County Executive and Department of Social Services to enter into a contract with the Center for Governmental Research (CGR) for the purpose of developing a 'Blueprint for Change' for the delivery of human and social services in Erie County, and

WHEREAS, the County of Erie paid \$475,000 for CGR's reports and research which were released in April 2003 and December 2003, and

WHEREAS, the reports concern multiple different County Departments and offices – Social Services, Health, Mental Health, Senior Services, Probation, Youth Detention, Youth Bureau, and the Coordinating Council on Children and Families – many of which have significantly different missions, constituencies and federal and state government funding schemes, and

WHEREAS, in late October 2003, the County Executive told a local daily newspaper that under the Blueprint for Change initiative, he would fundamentally alter the delivery of human and social services in Erie County government through a radical change in County government structure, and

WHEREAS, that complex and wide-sweeping change would apparently take place in two phases; in Phase I in 2004, a new Department for Children, Youth and Families would be created. That department would consolidate early care, youth development, child welfare, and high-need youth services from the Departments of Social Services, Mental Health, Probation/Youth Services and Health into the new department. Also, the Departments of Health and Mental Health would also be merged, and Adult Protective Services and Community Alternative Systems Agency would be moved out of Social Services and into the Department of Senior Services. Further, a new Department for Economic Self-Sufficiency would be created to administer entitlement programs. Youth Detention and Youth Services would be moved from the Department of Probation and Youth Detention Services to the new Department for Children, Youth, and Families. A new "Health and Human Service Cabinet" would also be created, reporting to the Deputy County Executive, and

WHEREAS, according to the County Executive, in Phase II in 2005, a single new Department of Family Services and Community Health would be created, subsuming the Phase I new department, and addressing all health and human services in Erie County. It would consist of five divisions, all downgraded from Departments: Division of Senior Services; Division of Health and Mental Health; Division for Children, Youth, and Families; Division of Economic Self-Sufficiency; and Division of Probation, and

WHEREAS, all of these departments and offices receive federal or state grants which cover administrative and personnel costs, and for which any restructuring of these departments, offices and functions must carefully take into account the impact of these changes on the County's receipt of those federal and state grants, and

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WHEREAS, in December 2003, the County Executive communicated to the Legislature his intention to eliminate 147 positions in County government, 101 of which are in the Department of Social Services (DSS) alone, with only 2 of the 147 positions being occupied by a managerial-confidential employee, as part of this “reengineering” initiative, and since that time has terminated his proposal to eliminate the 101 DSS positions, and

WHEREAS, in February 2004, the County Executive appointed Kevin Helfer of the Coordinating Council on Children and Families to the position of Interim Commissioner of Social Services, and

WHEREAS, also in February 2004, a newspaper article cited the County Executive and Interim Commissioner Helfer as saying that the Blueprint for Change initiative would be completed in one year, not two as originally stated, with Phase I skipped entirely and the new Department of Family Services and Community Health created in 2004, and

WHEREAS, throughout this process, there has been little interaction or involvement of the Legislature in these studies and reviews, and in fact, there has been no significant discussion in any Legislature committee concerning these dramatic changes in County government and in the delivery of human and social services to the needy in Erie County, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports efforts to more quickly and comprehensively assist children, families, seniors, and all those who require county assistance, and be it further

RESOLVED, that the Erie County Legislature supports measures that provide quality care and assistance while being cost-effective, and be it further

RESOLVED, that this Honorable Body expresses its concerns that many County employees in social and human service roles, many of whose salaries are significantly reimbursed or paid for by the federal or state governments, may be targeted for position elimination in the Blueprint for Change initiative, and thus threatening the timely delivery of needed services to the needy – an unacceptable outcome – and be it further

RESOLVED, that the Erie County Legislature requests that Interim Social Services Commissioner Kevin Helfer, Deputy Commissioner Deborah Merrifield, Susan Davidson of the Coordinating Council on Children and Families, and Mental Health Commissioner Michael Weiner appear at a future meeting of the Legislature’s Human Services Committee to provide a thorough briefing and overview of the Blueprint for Change initiative, as well as discuss the County Executive’s plans for a restructuring of all County departments and agencies involved in human and social services, and to brief the Legislature if the County Executive intends to award another contract to CGR or any other outside consultant for implementation of the initiative or any other purpose, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Joel Giambra, Interim Department of Social Services Commissioner Kevin Helfer, Deputy Commissioner Deborah Merrifield, Susan Davidson of the Coordinating Council on Children and Families, and Michael Weiner, Commissioner of Mental Health.

Fiscal Impact: None for this resolution.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 39 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 6-18 From LEGISLATOR DEBENEDETTI Re: Erie County's Purchase of Vehicles.

Item 40 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 6-19 From LEGISLATOR DEBENEDETTI Re: Erie County's Receipt of \$85 Million from ECMCC.

Item 41 – CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 6-20 From LEGISLATORS KUWIK, DUSZA & DEBENEDETTI Re: EC Holding Center – Buffalo Police Cell Block.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 42 – MR. KUWIK moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Intro. 5-4 (2004). MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

Re: Requesting that NYS Grant  
 Counties Three (3) Sales Tax Exemption  
 Weeks.

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A RESOLUTION SUBMITTED BY LEGISLATORS  
SWANICK, KUWIK & WROBLEWSKI

WHEREAS, in Fiscal Year 2003-2004, NYS suspended the 4.25% sales tax that it collects on clothing and footwear under \$110.00 during the two (2) periods of August 25, 2003 -September 1, 2003 and January 26,2004 -February 1, 2004, and

WHEREAS, NYS granted County governments the opportunity to take advantage of these two (2) sales tax exemption weeks by allowing counties to also suspend their own sales tax collections on clothing and footwear under \$110.00, and

WHEREAS, Erie County took advantage of this opportunity and suspended its sales tax collections on clothing and footwear under \$110.00 during the two (2) periods of August 25, 2003 - September 1, 2003 and January 26, 2004 - February 1, 2004, and

WHEREAS, this suspension of sales tax allowed Erie County to be competitive with surrounding areas with little or no sales tax on clothing and footwear under \$110.00, and

WHEREAS, despite this sales tax suspension, Erie County collected approximately 8% more sales tax in August 2003 when compared with August 2002 and approximately 6% more sales tax in January 2004 when compared with January 2003, and

WHEREAS, NYS has stated that it expects to reinstitute its previous permanent sales tax exemption on clothing and footwear in the near future, and

WHEREAS, it appears that due to the continuing financial uncertainty that pervades the current NYS economy, it is unlikely that NYS will reinstitute its permanent sales tax exemption on clothing and footwear any time soon, and

WHEREAS, the Erie County Legislature would like to urge the NYS Legislature to consider reinstating its permanent sales tax exemption on clothing and footwear by Fiscal Year 2005-2006, and

WHEREAS, the Erie County Legislature would like to request that NYS once again offer counties the opportunity to participate in sales tax exemption weeks during Fiscal Year 2004-2005, and

WHEREAS, the Erie County Legislature would request that NYS offer counties three (3) sales tax exemption weeks during Fiscal Year 2004-2005,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby urge the NYS Legislature to consider reinstating its permanent sales tax exemption on clothing and footwear by Fiscal Year 2005-2006, and be it further

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RESOLVED, that the Erie County Legislature does hereby request that NYS once again offer counties the opportunity to participate in sales tax exemption weeks during Fiscal Year 2004-2005, and be it further

RESOLVED, that the Erie County Legislature does hereby request that NYS offer counties three (3) sales tax exemption weeks during Fiscal Year 2004-2005, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, NYS Department of Taxation and Finance, the Western New York delegation to NYS Legislature, County Executive Giambra, County Comptroller Naples, and Budget Director Passafiume.

FISCAL IMPACT: Positive for Erie County residents.

MR. KUWIK moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the sixth (6<sup>th</sup>) **WHEREAS** Clause and **REPLACE** in its entirety with the following:

WHEREAS, in 1999, a sales tax exemption for clothing and footwear valued under \$110.00 was made permanent under state legislation approved by the State Assembly, State Senate and Governor, and in June 2003, facing fiscal constraints, New York State government revoked that “permanent” sales tax exemption on clothing and footwear,

- **ADD** the following **WHEREAS** Clause as the eleventh (11<sup>th</sup>) **WHEREAS**:

WHEREAS, that suspension of the sales tax for those week-long periods supports working families and seniors by making purchases of needed clothing and footwear cheaper for hard-working consumers and supports local retail businesses by encouraging more persons to shop and shop locally, and

- **ADD** the following **WHEREAS** Clause as the twelfth (12<sup>th</sup>) **WHEREAS**:

WHEREAS, state officials, including the Governor, have expressed interest in extending additional sales tax-free weeks on clothing and footwear in Fiscal Year 2004-2005, and in increasing the value of such exempt clothing and footwear purchases from \$110.00 to \$500.00,

- **DELETE** the third (3<sup>rd</sup>) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, as a means of providing relief for local taxpayers, the Erie County Legislature expresses its support for and encourages the State Legislature and Governor to approve and provide a total of three (3) sales tax-free weeks during the state’s Fiscal Year 2004-2005, as a means to help support working families and seniors as well as local retailers and be it further

**MEETING NO. 6**  
**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

- **ADD** the following **RESOLVE** Clause:

RESOLVED, that the Erie County Legislature expresses its hope that the new sales tax-free weeks could each take place, respectively, in mid-August 2004 and December 2004, so as to maximally help consumers and families at the times when they usually make large purchases of clothing and footwear, and be it further

MR. KUWIK moved to further amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. KUWIK moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 43 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

Comm. 6E-49 From CHAIRMAN HOLT Re: Appointment to the County Development Coordination Board for 2004.

RECEIVED, FILED & PRINTED.

March 1, 2004

Kevin M. Kelley, Clerk  
 Erie County Legislature  
 25 Delaware Avenue, 7<sup>th</sup> Floor  
 Buffalo, NY 14202

Dear Mr. Kelley:

In accordance with Article Three, Section 3.08-A of the Erie County Administrative Code, I hereby appoint Legislator Lynn M. Marinelli to serve as the Chairman's appointment to the County Development Coordination Board for 2004.

Sincerely,  
 George A. Holt, Jr.  
 Chairman  
 Erie County Legislator

**MEETING NO. 6**  
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**ERIE COUNTY LEGISLATURE**

Item 44 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded. Mr. Swanick objected.

CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 6-21 From LEGISLATORS HOLT, MARINELLI, SMITH, KUWIK, DUSZA, DEBENEDETTI, SCHROEDER & WROBLEWSKI Re: Appointment of Commissioner of Social Services.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 45 – (Comm. 6E-1) Certificate of Determination Sale & Issuance of \$669,791 & \$442,468 Sewer System Serial Bonds.

Item 46 – (Comm. 6E-2) Copy of Letter to ECMCC Issuing Second Request for Supporting Documentation for all Issuance & Incidental Costs Paid from Sale of ECMCC.

Item 47 – (Comm. 6E-3) Interim Financial Report for 9 Months Ended 9/30/03.

Item 48 – (Comm. 6E-4) Copy of Letter to Buffalo Fiscal Stability Authority Re-Stating Support for Consolidation of the City & County Comptroller's Offices.

Item 49 – (Comm. 6E-5) Details on Cash-Outs & a Salary Adjustment Paid to High-Ranking M/C Employees.

The above five items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 50 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

Re: Appointment to EC Environmental  
 Management Council. (Comm. 6E-6)

**MEETING NO. 6**  
**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Kevin M. Hogan, Esq. of Phillips, Lytle, LLP, 3400 HSBC Center, Buffalo, New York, 14203, to the Erie County Environmental Management Council for a term to expire December 31, 2005.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 51 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

Re: Appointment to Buffalo & Erie  
 County Public Library Board of  
 Trustees. (Comm. 6E-7)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Frank Gist of 409 Wyoming Avenue, Buffalo, New York, 14215, to the Erie County Public Library Board of Trustees for a term to expire December 31, 2005.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 52 – (Comm. 6E-8) Reappointments to Disaster Preparedness Advisory Board.

RECEIVED, FILED & PRINTED.

February 20, 2004

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Reappointments to Disaster Preparedness Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby appoint and reappoint the following individuals to the Disaster Preparedness Advisory Board for the term expiring December 31, 2005.

**APPOINTMENT**

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**ERIE COUNTY LEGISLATURE**

NAME & ADDRESS

TERM EXPIRATION

Mr. Brett Rider  
 20 Barton Court  
 Kenmore, New York 14217

December 31, 2005

**REAPPOINTMENT**

NAME & ADDRESS

TERM EXPIRATION

Mr. James Connors  
 3030 Union Road  
 Cheektowaga, New York 14227

December 31, 2005

Very truly yours,  
 JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG/dar

cc: Appointees  
 Commissioner Michael Walters  
 Deputy Commissioner Dean Messing

Item 53 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

Re: Appointment to Buffalo & Erie  
 County Public Library Board of  
 Trustees. (Comm. 6E-9)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Annette Junczewicz of 615 Fillmore Avenue, Buffalo, New York, 14206, to the Erie County Public Library Board of Trustees for a term to expire December 31, 2008.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**FROM LEGISLATOR SWANICK**

Item 54 – (Comm. 6E-10) Letter to Clerk Acknowledging Receipt of Letter Responding to FOIL Request

Received and filed.

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**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

**FROM THE COMPTROLLER**

Item 55 – (Comm. 6E-11) Copies of Letter from Commissioner of Personnel & Comptroller's Response Re: Cash-Outs & a Salary Adjustment Paid to High- Ranking M/C Employees.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR SMITH**

Item 56 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

Re: Lease for Legislative Office Space.  
 (Comm. 6E-12)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement between Citizens' Alliance Inc. Located at 836 East Delavan Avenue, Buffalo, New York 14215, and Erie County for Legislative Office Space for Erie County Legislator Demone Smith, at a cost of \$550.00 a month.

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded. LEGISLATOR SMITH abstained.

CARRIED. (14-0)

**FROM THE COMPTROLLER**

Item 57 – (Comm. 6E-13) Apportionment & Distribution of 4% Sales Tax for 2/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR RANZENHOFER**

Item 58 – (Comm. 6E-14) Letter to Chairman Holt Requesting a Change in the 2004 Legislative Committee Assignments.

RECEIVED, FILED & PRINTED.

February 26, 2004

The Hon. George A. Holt, Jr.  
 Chairman, Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

**MEETING NO. 6**  
**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

Dear Chairman Holt:

Please note the following change to the Republican Caucus' 2004 Erie County Legislature Committee Assignments:

FINANCE & MANAGEMENT
Barry A. Weinstein Denise E. Marshall

If you have any questions, please contact me at your convenience.

Very truly yours,

Michael H. Ranzenhofer  
 Minority Leader, Erie County Legislature  
 Legislator -4th District

FROM THE COUNTY EXECUTIVE

Item 32 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES – 7, NOES – 8.)

FAILED.

Comm. 6E-15 From THE COUNTY EXECUTIVE Re: Early Retirement Legislation -Home Rule Request Resolutions.

GRANTED.

FROM LEGISLATOR DEBENEDETTI

Item 60 – (Comm. 6E-16) Copy of Letter to Budget Director Re: Early Retirement Incentive.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR SMITH

Item 61 – (Comm. 6E-17) Copy of Letter to Health Commissioner Re: Smoking Waiver Process.

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**ERIE COUNTY LEGISLATURE**

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 62 – (Comm. 6E-18) Copy of Letter to ECWA Commissioners Re: Auto Accident 1/23/04.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 63 – (Comm. 6E-19) Social Services – Wraparound Services Program Expansion.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 64 – (Comm. 6E-20) EMS- Revision of Homeland Security Exercise & Evaluation Program.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 65 – (Comm. 6E-21) ECSD No. 1 -Engineering Service Agreements Work Order – URS-8, Comm. 18E-41.

Item 66 – (Comm. 6E-22) ECSD No. 6 -Malcolm Pirnie – Engineering Agreement Close-Out.

Item 67 – (Comm. 6E-23) EC/Southtowns Sewage Treatment Agency -Oxygen Generation System Replacement Contract – Praxair – Change Order No. 1.

Item 68 – (Comm. 6E-24) EC/Southtowns Sewage Treatment Agency – Oxygen Generation System Replacement Contract – Praxair – Change Order No. 2.

Item 69 – (Comm. 6E-25) Southtowns/ECSD No. 3 – Personnel Request – 2004 Budget.

The above five items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 70 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

Re: Elizabeth Pierce Olmstead M.D.  
 Center for the Visually Impaired  
 Housing Project. (Comm. 6E-26)

**MEETING NO. 6**  
**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Elizabeth Pierce Olmstead M.D. Center for the Visually Impaired has requested \$50,000 to further its effort in rehabilitation of the school adjacent to the Most Holy Redeemer Church in the Town of Cheektowaga for affordable housing designed specifically for accommodating individuals with physical disabilities; and

WHEREAS, the proposed building and site will provide a more centralized location to provide needed services to accommodate those with physical disabilities in the Town of Cheektowaga; and

WHEREAS, County funds are essential as a local match to obtain state low-income housing tax credit with New York State's Division of Housing and Community Renewal for the redevelopment of this building,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter the necessary agreement with the Elizabeth Pierce Olmsted M.D. Center for the Visually Impaired for the purposes noted above; and be it further

RESOLVED, that the funds in the amount of \$50,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Funds(DAC1109043038301299) to a separate sub-account under Contractual Services in Department 302, Public Benefit Agencies, as monitored by Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Comptroller, the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning, and the County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 71 – (Comm. 6E-27) Dispute Resolution Contract with the Better Business Bureau Foundation of WNY.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 72 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

Re: County Funding for the 2004 NCAA  
 Men's Basketball Tournament.  
 (Comm. 6E-28)

**MEETING NO. 6**  
**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the 2004 NCAA Men's Basketball Tournament, which will be held at the HSBC Arena from March 13-20 2004, is a nationally known and marketed athletic event, and this event will promote and enhance Erie County's and this region's national reputation as a major venue for regional and national sports activities; and

WHEREAS, this Men's Basketball tournament intends to provide a high quality experience and memory for thousands of our residents and tourists who will attend this event, and the economic benefits from this tournament are projected to exceed \$5 million; and

WHEREAS, the success of this event will be measured in both economic benefits, as well as the region's image as a result of extensive local, regional and national marketing efforts, and such success could positively influence decisions which will be made this year by the NCAA regarding the locations for other NCAA tournaments for the next seven years; and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau (BNCVB), who is working closely with the Local Organizing Committee (LOC) in its role as fiduciary agent and technical advisor to the LOC, has a successful track record of providing the necessary oversight and technical assistance that is needed to make the 2004 NCAA Men's Basketball Tournament a first-class event, and will thus provide significant return on the County's investment, and also provide significant economic and social benefits to Erie County and its residents,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with the Buffalo Niagara Convention and Visitors Bureau in the amount of \$35,000, for the purpose of assisting the NCAA Local Organizing Committee in holding the 2004 NCAA Men's Basketball Tournament from March 13-20, 2004 at the HSBC Arena; and be it further

RESOLVED, that funds in the amount of \$35,000 are hereby transferred from the Extraordinary County Aid to Local Governments Regionalism/Economic Development Fund (DAC1109043038301299) to the following new sub-account under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

Buffalo Niagara Convention and Visitors Bureau - \$35,000  
 2004 NCAA Men's Basketball Tournament

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; and Richard Geiger, President/CEO, Buffalo Niagara Convention and Visitors Bureau, 617 Main Street, Suite 400, Buffalo, New York 14203-1496

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 6**  
**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

Item 73 – (Comm. 6E-29) Renaming the Buffalo Convention Center.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 74 – (Comm. 6E-30) Household Hazardous Waste Collection Program.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

Item 75 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

Re: DPW -Bullis/Bowen Roads  
 Watermain Break. (Comm. 6E-31)

WHEREAS, on October 27, 2003 a water main, on Bullis Road just west of Bowen Road, owned by the Town of Elma, broke causing an emergency road closure, and

WHEREAS, on October 28, 2003 the County Executive declared a public emergency as authorized in the Erie County Administrative Code, Section 3.07, Paragraph B for emergency repairs to be performed, and

WHEREAS, after a quality based selection process, TVGA Consultants and Amherst Paving were chosen for engineering services and field construction work respectively for necessary emergency repairs to the roadway and associated storm drainage system, and

WHEREAS, the final cost of TVGA's engineering services is \$41,438.22 and the final Amherst Paving construction cost is \$ 280,642.93, and

WHEREAS, an available funding source exists in the 2000 Consolidated Highway Improvement Program (420-156) to pay for both the engineering services and construction work, and

WHEREAS, the Department of Public Works, Division of Highways is currently negotiating with the Town of Elma regarding cost share for town betterment for engineering services and construction work, and

WHEREAS, should the Town of Elma or other entity be required to reimburse the County of Erie for the town betterment share of the engineering services and construction work, the Department of Public Works, Division of Highways is requesting approval from the Erie County Legislature to accept this reimbursement to fund 420-156,2000 Consolidated Highway Improvement Program.

NOW THEREFORE, BE IT

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**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature authorizes that funding from the 2000 Consolidated Highway Improvement Program (420-156) be allocated for the purpose of paying 100% of the cost of TVGA's engineering services and Amherst Paving's construction work for the emergency repairs, and be it further

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works, Division of Highways to accept any reimbursement negotiated with the Town of Elma or other entity for the town betterment share of this emergency repair work to fund 420-156, 2000 Consolidated Highway Improvement Program, and be it further

RESOLVED, that two certified copied of this resolution be sent to the Department of Public Works, Office of the Commissioner, one copy to the Division of Budget Management & Finance, one copy to the Office of Comptroller, one copy to the County Executive and one copy to the Elma Town Board.

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded. MR. McCARVILLE abstained.

CARRIED. (14-0)

Item 76 – (Comm. 6E-32) EMS -EC Haz Mat Organization Grant VII.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 77 – (Comm. 6E-33) Social Services – Literacy Volunteers of Buffalo & Erie County.

Item 78 – (Comm. 6E-34) Parks – State Aid for Snowmobile Development 2003-2004.

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 79 – (Comm. 6E-35) Resubmission of Re-Engineering Adjustments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 80 – (Comm. 6E-36) Regional Public Safety Campus Project – Interoperable Communications Equipment Consultant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 81 – (Comm. 6E-37) Appointments to Charter Review Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 82 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

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**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

Re: Extension of Deadline for Payment  
of Real Property Tax by Deployed  
Military Personnel.  
(Comm. 6E-38)

WHEREAS, by reason of the enactment of 925-d of the Real Property Tax Law, a municipal corporation to which real property tax is owed is authorized, by passing a local resolution, to extend any deadline with respect to the payment of such real property tax without penalties or interest where said tax is owed by a person who has been deployed by the military, or by the spouse or domestic partner of such deployed person, for real property of such deployed person, and;

WHEREAS, a "person deployed by the military" is defined in RPTL 925-d to mean a person who has been ordered to active military duty, other than training, for the period beginning with a declaration of war by Congress and ending with a date prescribed by Presidential proclamation or concurrent resolution of Congress or during any periods of combat designated by presidential executive order or hazardous duty, and;

NOW, THEREFORE, BE IT

RESOLVED, that with respect to real property tax owed by a person who has been deployed by the military, or by the spouse or domestic partner of such person, for real property of a person so deployed, any deadline with respect to the payment of such real property tax without penalties or interest shall be extended for a period of ninety days after the end of such deployment; and it is further

RESOLVED, that the Erie County Director of Veterans Services shall notify the local commanders of each United States Army, United States Navy, United States Air Force, United States Marine Corps, and United States Coast Guard office/unit, including the local Reserve and National Guard components, of this extension of deadline for the payment of the Erie County real property tax, in order that those officials can notify their local soldiers, sailors, airmen and airwomen, and marines of this important issue and extension, and be it further

RESOLVED, that the Clerk is directed to prepare and provide certified copies of this resolution to the County Executive, the Law Department, the Department of Budget, Management and Finance, the Division of Real Property Tax Services, the Office of the Comptroller, the Director of Veterans Services, and the tax collector of each town/city/village in Erie County.

MS. MARINELLI moved to amend the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following **RESOLVE** Clause:

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**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Director of Veterans Services shall notify the local commanders of each United States Army, United States Navy, United States Air Force, United States Marine Corps, and United States Coast Guard office/unit, including the local Reserve and National Guard components, of this extension of deadline for the payment of the Erie County real property tax, in order that those officials can notify their local soldiers, sailors, airmen and airwomen, and marines of this important issue and extension, and be it further

- **DELETE** the second (2<sup>nd</sup>) **RESOLVE** Clause and **REPLACE** in its entirety with the following RESOLVE:

RESOLVED, that the Clerk is directed to prepare and provide certified copies of this resolution to the County Executive, the Law Department, the Department and Budget, Management and Finance, the Division of Real Property Tax Services, the Office of the Comptroller, the Director of Veterans Services, and the tax collector of each town/city/village in Erie County.

MR. RANZENHOFER moved to further amend the resolution to include Et Al Sponsorship.  
 MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR.  
 RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 83 – (Comm. 6E-39) Health -Comprehensive Community Based Tobacco Control & Prevention Erie Niagara Tobacco Free Coalition 6/1/03 & 7/31/04.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 84 – (Comm. 6E-40) 2004 Erie County Buffalo Niagara CVB Agreement.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM LEGISLATOR SWANICK**

Item 85 – (Comm. 6E-41) Availability of Surplus Computers.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM LEGISLATOR RANZENHOFER**

Item 86 – (Comm. 6E-42) Appointment to Charter Revision Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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**ERIE COUNTY LEGISLATURE**

FROM LEGISLATOR SWANICK

Item 87 – (Comm. 6E-43) Appointment to Charter Revision Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MARSHALL

Item 88 – (Comm. 6E-44) Appointment to Charter Revision Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR CHASE

Item 89 – (Comm. 6E-45) Appointment to Charter Revision Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR WEINSTEIN

Item 90 – (Comm. 6E-46) Appointment to Charter Revision Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR McCARVILLE

Item 91 – (Comm. 6E-47) Appointment to Charter Revision Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR CUSACK

Item 92 – (Comm. 6E-48) Appointment to Charter Revision Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM BUDGET, MANAGEMENT & FINANCE

Item 93 – (Comm. 6D-1) Letter to Legislator DeBenedetti Detailing Schedule of Tobacco Settlement Proceeds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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**ERIE COUNTY LEGISLATURE**

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 94 – (Comm. 6D-2) Agenda for Trustees Meeting Held 2/19/04 & Minutes of Meeting Held 1/15/04.

Received and filed.

FROM ECC

Item 95 – (Comm. 6D-3) Minutes from Trustees Meeting Held 2/25/04.

Received and filed.

FROM SOCIAL SERVICES

Item 96 – (Comm. 6D-4) Copy of United Way Board Meeting Minutes.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 97 – (Comm. 6D-5) Letter to Legislator DeBenedetti Re: Request for Tobacco Settlement Proceeds Information.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CLERK OF THE LEGISLATURE

Item 98 – (Comm. 6D-6) Receipt of FOIL Request Dated 2/6/04.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 99 – (Comm. 6D-7) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DPW

Item 100 – (Comm. 6D-8) Follow-Up to the Aurora Highway Division Final Audit.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ECC

Item 101 – (Comm. 6D-9) Minutes from Trustees Meeting Held 1/21/04.

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**ERIE COUNTY LEGISLATURE**

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE ERIE COUNTY ASSESSORS ASSOCIATION**

Item 102 – (Comm. 6M-1) Copy of Letter to Legislator Marinelli Re: Proposed Local Laws for Partial Property Tax Exemptions for Senior Citizens & the Disabled.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE NYS OFFICE OF CHILDREN & FAMILY SERVICES**

Item 103 – (Comm. 6M-2) Report of Death of Child in Local Jurisdiction.

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM THE UNIVERSAL DRUG STORE**

Item 104 – (Comm. 6M-3) Letter Re: the Online Purchase of Prescription Drugs.

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM NFTA**

Item 105 – (Comm. 6M-4) 17A Report & Capital Expenditure Reports for 3rd Quarter of Fiscal Year Ending 3/31/04.

Received and filed.

**FROM CONGRESSMAN QUINN**

Item 106 – (Comm. 6M-5) Receipt of Resolution.

Received and filed.

**FROM THE LEGAL AID BUREAU OF BUFFALO**

Item 107 – (Comm. 6M-6) Unaudited Financial Statements for 9 Months Ending 9/30/03.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM SENATOR VOLKER**

Item 108 – (Comm. 6M-7) Copy of S.6125 – An Act to Provide Temporary Retirement Incentive for Certain Public Employees Within Erie County.

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**ERIE COUNTY LEGISLATURE**

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CONGRESSMAN QUINN

Item 109 – (Comm. 6M-8) Receipt of Resolution.

Received and filed.

FROM ECIDA

Item 110 – (Comm. 6M-9) Receipt of Resolution.

Item 111 – (Comm. 6M-10) Notice of Board of Directors Meeting Held 2/26/04.

The above two items were received and filed.

FROM THE NYS COMMISSION OF CORRECTIONS

Item 112 – (Comm. 6M-11) Copy of Letter to Sheriff Requesting Plans for a Solution to Erie County's Unmet Inmate Housing Needs.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE TOWN OF CHEEKTOWAGA

Item 113 – (Comm. 6M-12) Copy of Letter to Erie County Personnel Commissioner Re: Civil Service Lists.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 114 – Mr. Swanick requested that when the Legislature adjourns, it do so in memory of William “Bill” Tripper.

Item 115 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Essie May Smith.

Item 116 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Hon. Edmund Brown.

Item 117 – Mr. Kuwik requested that when the Legislature adjourns, it do so in memory of Irene Szymanski.

**MEETING NO. 6**  
**March 4, 2004**

**ERIE COUNTY LEGISLATURE**

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**ADJOURNMENT**

Item 118 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, March 18, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 18, 2004 at 2 p.m. Eastern Standard Time.

**KEVIN M KELLEY**  
**CLERK**